THE NATIONAL ERA.

L. P. NOBLE, PUBLISHER. G. BAILEY, JUN., EDITOR; AMOS A. PHELPS AND JOHN G. WHITTIER, CORRESPONDING EDITORS. BUELL & BLANCHARD, PRINTERS.

VOL. I. WASHINGTON, THURSDAY, MARCH 18, 1847. NO. 11.

The National Era is Published Weekly, on Seventh Street, opposite the Patent Office.

TERMS.

Two dollars per annum, *payable in advance.*

Advertisements not exceeding ten lines inserted three times for one dollar; every subsequent insertion, twenty-five cents.

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☞ We desire to call attention to the notice which asks concerning the direction in which papers are sent, to give the *county*, as well as post office and State. One correspondent writes, "It is of no consequence to give the name of the county." It is of consequence to us. Unless we cannot enter the names of subscribers till we ascertain the county. Let every name be distinctly written.

☞ Persons who write for their names, are requested to be very particular, and have each letter distinct. Give the name of the *Post Office*, the *County*, and the *State*.

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☞ Accounts are kept with *each subscriber*, and when we receive money from him on his subscription, it is immediately passed to his credit, and a receipt therefor sent in his paper. If those who pay do not receive in a reasonable time receipt [illegible], they are requested to notify the publisher, stating the time when and to whom paid.

☞ In transcribing names, it is probable that errors have occurred. Our friends are requested to notify us in such cases, that they may be immediately corrected.

☞ Agents will notice that we keep an account with each subscriber. Hence no accounts will be kept with the agents; and in transmitting money on which to give credit, the name of the person, who will retain the amount of their commission, and, in *all cases*, forward the money with the names, so as to make the account even at each remittance.

☞ Any person who will procure four subscribers, and send us eight dollars, may have a fifth copy gratis for one year.

L. P. NOBLE, *Publisher.*

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For the National Era.

A POPULAR ERROR.

BY A CITIZEN OF MARYLAND.

The following paragraph from the Baltimore Clipper, already noticed in the Era, imbodies a popular error, which I have long desired an opportunity of exposing:

"We freely admit slavery to be an evil—greater in fact to the slaveholder than to the slave. But how is this evil to be remedied? By abolition? Would this advance the temporal or eternal interests of the slave? Would it better his moral or social condition? Our experience compels us to reply in the negative. People do not free their slaveholders more from necessity than desire. They see that the condition of the slave is preferable to that of the colored person, and hence the indisposition to emancipate. But, secure the transportation of the slave to a colony in Africa, where he may be in reality a freeman, and we believe that few owners in the Slave States would refuse to relinquish their right to slaves. To set them free and turn them loose upon society would be, in most cases; to condemn them to degradation and misery."

Of the first remark of the Clipper, that slavery is "a greater evil to the master than to the slave," I have only to say that it is perhaps true in one sense, viz: that it is less an evil to suffer than to do wrong. But if the editor means that, in a temporal respect, the master suffers more from slavery than his bondman, he should, by all means, have availed himself of so fair an occasion to display his ingenuity by showing how. The absurdity of the idea is too apparent to be worth pursuing. It is as if the editor should declare his preference for work without wages, to wages without work.

But it is not for this that I desire to call in direct particularhtention. It is my present purpose to show the unreasonableness of drawing the inference, from the present condition of the free blacks, that the slave would derive no benefit from general emancipation.

What are the facts? The free colored people of the United States at present constitute less than one-fortieth of the population; they are scattered over its whole surface; they have all emerged from a state of slavery, and were all indelibly a mark of their origin. That mark is regarded as a stigma which no virtues can efface; and every human being who bears it is held to be inferior to every human being who bears it not. Such a weight of prejudice never oppressed any people before, since the world began. The Jew, in the time of Moses or Christ, was an object of hate to the heathen; the Christian of the middle ages more tolerant of the Jew; Turks, of Christians; Christians, of Turks, than is the White man of the Black in this country. Is it to be wondered at, that a handful of poor despised Africans, under so crushing a weight of prejudice, should be slow to improve? They were dragged in a body from their native savage wilds of Africa, and learned the rudiments of civilization in a state of slavery. In the Southern States of slavery, they are not allowed, free are not only not encouraged, but FORBIDDEN to acquire a knowledge of literature—and yet the poor African is reviled for his debasement, wretchedness, and ignorance. Yet they have made in a refinement upon the misery of Tantalus. It was the unhappy fate of the Phrygian king, always to eat the viands of the richest and rarest surrounded by food and water; but we have never heard him *reviled* for not partaking of that which forever eluded his grasp. The free colored people, both North and South, are excluded from most of the respectable and lucrative avocations of life, and yet they are reproached for their indolence. They are taught that to labor is disreputable, and it is not everywhere safe for them to venture upon the pursuits of a planter, much less to ask for employment. It is reproved to be necessity of finding a precarious subsistence by any means—often perhaps by fraud or theft—and then is branded as a lazy vagabond. North of Mason and Dixon's line, the laws are not quite so unmerciful, but it is well known that there is a combination of almost every trade and calling against the free blacks. Yet they have made immense progress in civilization, and refinement too, notwithstanding their rigid exclusion from the society of the whites.

It is said that the slaves are better off than the free colored people. Let *facts* test the truth of this monstrous absurdity. Among the three millions of slaves in the country, not one, or not more than one, has any education at all; perhaps a few—as few as angels' visits—may be able to read, stealthily, a greasy spelling book or Testament; but I have not heard of more than one who has been allowed or assisted in the acquisition of a respectable share of knowledge. It is stated that a slave in Alabama has attained to some proficiency in the classics, and that, in consequence the religious societies have purchased his freedom. But such cases must be rare, for two reasons: first, it is illegal in the Southern States to teach or to permit slaves to read; and, secondly, if it were allowable, they generally want the time and the necessary books to make any progress in literature beyond the rudiments. I have been hired in the Southern country, and have never, but for a few days on one occasion, been out of the atmosphere of slavery: and yet, in the whole of my experience, I cannot remember to have seen a slave who could write his name. Doubtless there may be some in the cities; but in the country, where I am most conversant, I have never seen the sign manual of a slave—no, nor of a free colored man either. I have known a few, very few, people of color, even slaves who could read indifferently, but none who could write.

How stands the case with the free colored population of the North? I am not aware that any inquiry has been instituted on the subject, but I incline to believe that a majority of the adult black population of the free States are able to read and write. If such is the case, the fact shows that they are on a footing of intelligence with people of England, and consequently ahead of most other nations, except our own. But however this fact may be, we know that thousands of them not only read and write, but possess the requisite information and intelligence to engage in those pursuits which entitle them to the highest mental endowments. Hundreds of colored men and women in the free States are engaged in teaching; many in preaching the Gospel; and, but for the prejudice in the community, they would engage in the legal and medical professions. Some of them are distinguished public speakers, and make no mean figure in conventions with the first orators of the country. These evidences of talent and merit have broken through a cement of prejudice, dark and baleful, which would shut out the black man from the service of humanity. They must command the respect and win the sympathy of an enlightened and Christian age. But to the argument. While there are millions of slaves still wrapped in mental darkness, and to a lamentable degree debased, the handful of free colored people in the free States, amounting to not more than two hundred or two hundred and fifty thousand, have general education diffused among them, and have produced a number of men capable of commanding the esteem of the world, by the force, the vigor of their pens, or the eloquence of their tongues. How unwarranted, then, is the assertion, that the people of color are worse off than the slaves! How illiberal and indifferent to the most striking facts!

But the great obstacle at present to the improvement of the black race is slavery. So long as the bulk, or any considerable number of the race, is held in slavery, it will be impossible to dispel the prejudice against color. It is the condition and office of a slave which is the hated thing; and it is only by the exhibition of ideas that color is so obnoxious. We have no such feeling towards an Indian, though his hue be darker than that of a Mulatto. Remove slavery, and the prejudice will speedily wear away. Such has been the experience in the British West Indies, but universal emancipation would place the black race on a different footing from that which a handful of free colored can ever possibly occupy in the free States. If all were free, they would be able to form a public opinion of their own—they would grow respectable in the estimation of one another—they would most probably get more or less out that section of the Union which is peculiarly adapted to their physical constitutions; and, enjoying the unrestricted privilege of laboring where they pleased, and the natural privileges, they would, in the nature of things, grow more respectable in their own eyes, and in the eyes of others. They would cease to feel that sense of inferiority which unmans the heart, and which is prejudicial to the growth of every virtuous principle. But the history of West India emancipation, as well as the spirit of Christian sympathy which is abroad in the world, forbids the idea, that, in the event of peaceful abolition, the blacks would become turbulent or dangerous. They would esteem themselves free, but it is unreasonable to suppose that they would hate the whites more, when the cause of hatred was removed.

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MR. ADAMS ON THE AMISTAD CASE.

HOUSE OF REPRESENTATIVES, MARCH 2, 1847.

The question coming up on agreeing to a proposed appropriation for making indemnity to the proprietors of the Amistad [the Spanish vessel which became some years ago the subject of litigation before the judicial tribunals of the United States]—

MR. ADAMS rose to address the House, and immediately there was a general forsaking of the more distant seats of the hall, and the members came in flocking from all quarters. People do not usually slaveholders more from necessity than desire. They see that the condition of the slave is preferable to that of the colored person, and hence the indisposition to emancipate. But, secure the transportation of the slave to a colony in Africa, where he may be in reality a freeman, and we believe that few owners in the Slave States would refuse to relinquish their right to slaves. To set them free and turn them loose upon society would be, in most cases; to condemn them to degradation and misery."

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MR. ADAMS rose to address the House, and immediately there was a general forsaking of the more distant seats of the hall, and the members came in flocking from all quarters. People do not usually speak in this session. His voice, though still feeble, was firmer in its tone than it had been when he lately spoke a few words on resuming his seat.

The Reporter was suffered to approach very near to the venerable speaker, and took such notes as he could.

When first heard, Mr. A. was observing that the Secretary of State (in a letter from him which had been read) was not liable, in relation to the claim of the Spanish Government) must have been mistaken as to the facts of the case. It was impossible to form any opinion on the merits of this case, or he never would have signed his name to such a paper. He said the Secretary must have been mistaken, because it was not a fact that the Spanish Minister ever demanded the emancipation of the Amistad as slaves, but as freemen—as they had been declared to be by the Supreme Court of the United States. In consequence of which declaration, they had been discharged and sent back to their own country as free. But, whether free or as slaves, the Spanish Minister never demanded them as slaves. Such a demand had been, indeed, made by President of the United States should not suffer the courts of the United States to notice the case; and that the Executive Government had no power to pay up as assassins. Any one who would look into the history of the case would see this to be so. When the Secretary of State refused to deliver them up, on the ground of their not being slaves, the Spanish Minister disclaimed having ever demanded them on that ground; he had demanded them not as slaves, but as freemen. He had brought before them delivered up to the Spanish Government, and sent to Havana to be executed as murderers; in which case, on the trial of their owners for piracy, property must have been forfeited. He wanted to have them tried and executed for liberating themselves.

Mr. A. insisted that there was not even the shadow of a pretence for the Spanish demand of indemnity. These negroes were not slaves; they never had been slaves. They had been declared pronounced them to be freemen; and, as such, entitled to the value of the vessel which they had taken possession of. And this, after they had suffered two years' imprisonment, while the Spanish minister could not have been acquainted with the facts, or he never would have sanctioned the demand of indemnity in favor of the Spanish claimants.

It was true, these men had been demanded by Rnin and Monter, if there was any property in the case. These men, after the negroes had risen and liberated themselves by killing the captain, had deceived them by steering the ship, not back to coast of Africa, as the negroes supposed, but to the coast of America, where they were arrested and put upon the beach of Long Island. There the ship was taken possession of by Lieut. Gedney, in the United States service, and the men were committed to jail. Ruiz and Monter were, on their arrival, and demanded the negroes as their property; but the Supreme Court decided that they had no such claim, and ordered that they should be liberated. The demand of the Spanish Minister never looked to them as slaves at all. If it was the opinion of the Secretary that the Amistad and her cargo ought to have been complied with under the 8th, 9th, or 10th articles of our treaty with Spain, the negroes must have been given up, not as slaves, but as criminals, and tried by the laws of the case and executed; so that those who claimed to be their owners must have lost their value entirely. Their claim had occupied the Supreme Court for two weeks, and the court declared that these negroes were the slaves of no man upon earth.

Was the very extraordinary letter of the Secretary of State, which had been read here, giving his opinion on the claim of these Spanish slave dealers, in opposition to the finding of the Supreme Court, to be a law to the two Houses of Congress? If the question was yet to be decided, let it be decided by the Congress of the United States, and not by the opinion of the Secretary of State.

There had been a long correspondence between the Secretary and the Spanish Minister; and it was true that in the Supreme Court the instructions of the Secretary of State to Capt. Gedney were considered. The Spanish Minister made one demand for these negroes, and the district attorney of Connecticut another, but the Secretary of State had not demanded them. The ground of the Spanish Minister was that the court could not take cognizance of the case, but that the President, "by his supernatural power" as President, should seize the ship and the negroes, and send them to Cuba.

And now this same Spanish Minister came here and asked the people of the United States to pay 350,000 to the pretended proprietors of these men, when in fact, at the time, never demanded them as property, but as assassins. Such a total perversion of the whole subject never had been witnessed. God forbid that any claim should ever be allowed by Congress, which rested on such a false foundation!

He hoped, therefore, that the House would not agree to make any such appropriation. The demand, if successful, would be a perfect robbery committed on the people of the United States. Whether there was any claim on the part of the Government on their behalf, had any claim to this money whatever.

His friend from Ohio (Mr. Giddings) had told the House what was the real history of the case. This Ruiz and Monter were agents where traders at Havana, in open violation of the laws of Cuba itself. They purchased a cargo of fresh negroes, recently brought from the coast of Africa, and shipped them, contrary to the laws of Spain, having complied with the custom of those engaged in the same infamous occupation, by giving the Spanish Governor a bribe of ten dollars per head for the negroes, for overlooking the laws and winking at their violation. In this manner they carried on their trade. The negroes, thus torn away from their natural rights as men, and put to death the captain of the vessel and one of the owners; and, having thus recovered their liberty, were deceived by these traders who picked them up here, when they were seized and treated as pirates, while their betrayers were at once set free. Their whole case had been subjected to the most investigation, and the men set free and returned to their native country. And this claim for indemnity, set up by Spain, was utterly destitute of any foundation in justice or truth.

[Several other gentlemen having also spoken to the question, the appropriation was, as heretofore reported, rejected.]

From the Boston Traveller.

GIVE ME THREE GRAINS OF CORN, MOTHER!

BY MRS. A. M. EDMOND.

The above words were the last request of an Irish lad to his mother, as he was dying of starvation. She found three grains in the corner of his ragged pocket, and gave them to him. It was all she had; the whole family were perishing from famine.

Give me three grains of corn, mother,
Only three grains of corn;
It will keep the little life I have
Till the cold night is gone.
I am dying of hunger and cold, mother,
Dying of hunger and cold;
And half the agony of such a death
My lips have never told.

It has gnawed like a wolf at my heart, mother,
A wolf that is fierce for blood,
All the livelong day and the night beside,
Gnawing for here of food.
I dreamed of it even in my sleep,
And the sight was more to see:
I woke with an regret, thinking lip,
And I felt it was gnawing me.

How could I look to you, mother,
How could I look to you
For bread in the midst of starving boy,
When you were starving too?
For I read the famine in your cheek,
And in your eye so wild,
And I felt it in the wasted hand,
As you laid it on your child.

The Queen has lands and gold, mother,
The Queen has lands and gold,
While you are forced to your empty breast
A skeleton hold;
A babe that is dying of want, mother,
As I am dying now,
With a ghastly look in his sunken eye,
And famine upon his brow.

What has poor Ireland done, mother,
What has poor Ireland done,
That the world looks on and sees us starve,
Perishing one by one?
Do the men of England hate us, mother,
The great and rich men there,
For the suffering sons of Erin's Isle,
Whether they live or die?

There is many a brave heart here, mother,
Dying of want and cold,
While only here and there a funeral, mother,
Are many that roll in gold.
There are rich and proud men there, mother,
With wondrous wealth to view,
And the bread that would save our lives
Would give one life, and you!

Come nearer to my side, mother,
Come nearer to my side,
And hold me fondly, as you held
My father when he died.
Quick, for I cannot see you, mother,
My breath is almost gone!
Mother! shall I forget you, mother,
Give me three grains of corn!

For the National Era.

THE CONSTITUTION AND SLAVERY.

NO. I.

The second number of the Era contains an article entitled "the Legislative Usurpation," to which I have read with much interest, and, so far as the argument is concerned, with great pleasure. The doctrine which it maintains, in the merits of this case, or he never would have signed his name to such a paper. He said the Secretary must have been mistaken, because it was not a fact that the Spanish Minister ever demanded the emancipation of the Amistad as slaves, but as freemen—as they had been declared to be by the Supreme Court of the United States. In consequence of which declaration, they had been discharged and sent back to their own country as free. But, whether free or as slaves, the Spanish Minister never demanded them as slaves. Such a demand had been, indeed, made by President of the United States should not suffer the courts of the United States to notice the case; and that the Executive Government had no power to pay up as assassins. Any one who would look into the history of the case would see this to be so. When the Secretary of State refused to deliver them up, on the ground of their not being slaves, the Spanish Minister disclaimed having ever demanded them on that ground; he had demanded them not as slaves, but as freemen. He had brought before them delivered up to the Spanish Government, and sent to Havana to be executed as murderers; in which case, on the trial of their owners for piracy, property must have been forfeited. He wanted to have them tried and executed for liberating themselves.

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Was the very extraordinary letter of the Secretary of State, which had been read here, giving his opinion on the claim of these Spanish slave dealers, in opposition to the finding of the Supreme Court, to be a law to the two Houses of Congress? If the question was yet to be decided, let it be decided by the Congress of the United States, and not by the opinion of the Secretary of State.

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Till the cold night is gone.
I am dying of hunger and cold, mother,
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And half the agony of such a death
My lips have never told.

It has gnawed like a wolf at my heart, mother,
A wolf that is fierce for blood,
All the livelong day and the night beside,
Gnawing for here of food.
I dreamed of it even in my sleep,
And the sight was more to see:
I woke with an regret, thinking lip,
And I felt it was gnawing me.

How could I look to you, mother,
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For bread in the midst of starving boy,
When you were starving too?
For I read the famine in your cheek,
And in your eye so wild,
And I felt it in the wasted hand,
As you laid it on your child.

The Queen has lands and gold, mother,
The Queen has lands and gold,
While you are forced to your empty breast
A skeleton hold;
A babe that is dying of want, mother,
As I am dying now,
With a ghastly look in his sunken eye,
And famine upon his brow.

What has poor Ireland done, mother,
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That the world looks on and sees us starve,
Perishing one by one?
Do the men of England hate us, mother,
The great and rich men there,
For the suffering sons of Erin's Isle,
Whether they live or die?

There is many a brave heart here, mother,
Dying of want and cold,
While only here and there a funeral, mother,
Are many that roll in gold.
There are rich and proud men there, mother,
With wondrous wealth to view,
And the bread that would save our lives
Would give one life, and you!

Come nearer to my side, mother,
Come nearer to my side,
And hold me fondly, as you held
My father when he died.
Quick, for I cannot see you, mother,
My breath is almost gone!
Mother! shall I forget you, mother,
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For the National Era.

THE CONSTITUTION AND SLAVERY.

NO. I.

The second number of the Era contains an article entitled "the Legislative Usurpation," to which I have read with much interest, and, so far as the argument is concerned, with great pleasure. The doctrine which it maintains, in the merits of this case, or he never would have signed his name to such a paper. He said the Secretary must have been mistaken, because it was not a fact that the Spanish Minister ever demanded the emancipation of the Amistad as slaves, but as freemen—as they had been declared to be by the Supreme Court of the United States. In consequence of which declaration, they had been discharged and sent back to their own country as free. But, whether free or as slaves, the Spanish Minister never demanded them as slaves. Such a demand had been, indeed, made by President of the United States should not suffer the courts of the United States to notice the case; and that the Executive Government had no power to pay up as assassins. Any one who would look into the history of the case would see this to be so. When the Secretary of State refused to deliver them up, on the ground of their not being slaves, the Spanish Minister disclaimed having ever demanded them on that ground; he had demanded them not as slaves, but as freemen. He had brought before them delivered up to the Spanish Government, and sent to Havana to be executed as murderers; in which case, on the trial of their owners for piracy, property must have been forfeited. He wanted to have them tried and executed for liberating themselves.

Mr. A. insisted that there was not even the shadow of a pretence for the Spanish demand of indemnity. These negroes were not slaves; they never had been slaves. They had been declared pronounced them to be freemen; and, as such, entitled to the value of the vessel which they had taken possession of. And this, after they had suffered two years' imprisonment, while the Spanish minister could not have been acquainted with the facts, or he never would have sanctioned the demand of indemnity in favor of the Spanish claimants.

It was true, these men had been demanded by Ruiz and Monter, if there was any property in the case. These men, after the negroes had risen and liberated themselves by killing the captain, had deceived them by steering the ship, not back to coast of Africa, as the negroes supposed, but to the coast of America, where they were arrested and put upon the beach of Long Island. There the ship was taken possession of by Lieut. Gedney, in the United States service, and the men were committed to jail. Ruiz and Monter were, on their arrival, and demanded the negroes as their property; but the Supreme Court decided that they had no such claim, and ordered that they should be liberated. The demand of the Spanish Minister never looked to them as slaves at all. If it was the opinion of the Secretary that the Amistad and her cargo ought to have been complied with under the 8th, 9th, or 10th articles of our treaty with Spain, the negroes must have been given up, not as slaves, but as criminals, and tried by the laws of the case and executed; so that those who claimed to be their owners must have lost their value entirely. Their claim had occupied the Supreme Court for two weeks, and the court declared that these negroes were the slaves of no man upon earth.

Was the very extraordinary letter of the Secretary of State, which had been read here, giving his opinion on the claim of these Spanish slave dealers, in opposition to the finding of the Supreme Court, to be a law to the two Houses of Congress? If the question was yet to be decided, let it be decided by the Congress of the United States, and not by the opinion of the Secretary of State.

There had been a long correspondence between the Secretary and the Spanish Minister; and it was true that in the Supreme Court the instructions of the Secretary of State to Capt. Gedney were considered. The Spanish Minister made one demand for these negroes, and the district attorney of Connecticut another, but the Secretary of State had not demanded them. The ground of the Spanish Minister was that the court could not take cognizance of the case, but that the President, "by his supernatural power" as President, should seize the ship and the negroes, and send them to Cuba.

And now this same Spanish Minister came here and asked the people of the United States to pay 350,000 to the pretended proprietors of these men, when in fact, at the time, never demanded them as property, but as assassins. Such a total perversion of the whole subject never had been witnessed. God forbid that any claim should ever be allowed by Congress, which rested on such a false foundation!

He hopod, therefore, that the House would not agree to make any such appropriation. The demand, if successful, would be a perfect robbery committed on the people of the United States. Whether there was any claim on the part of the Government on their behalf, had any claim to this money whatever.

His friend from Ohio (Mr. Giddings) had told the House what was the real history of the case. This Ruiz and Monter were agents where traders at Havana, in open violation of the laws of Cuba itself. They purchased a cargo of fresh negroes, recently brought from the coast of Africa, and shipped them, contrary to the laws of Spain, having complied with the custom of those engaged in the same infamous occupation, by giving the Spanish Governor a bribe of ten dollars per head for the negroes, for overlooking the laws and winking at their violation. In this manner they carried on their trade. The negroes, thus torn away from their natural rights as men, and put to death the captain of the vessel and one of the owners; and, having thus recovered their liberty, were deceived by these traders who picked them here, when they were seized and treated as pirates, while their betrayers were at once set free. Their whole case had been subjected to the most investigation, and the men set free and returned to their native country. And this claim for indemnity, set up by Spain, was utterly destitute of any foundation in justice or truth.

[Several other gentlemen having also spoken to the question, the appropriation was, as heretofore reported, rejected.]

From the Boston Traveller.

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THE NATIONAL ERA.

WASHINGTON, MARCH 18, 1847.

LAND REFORM—WAGES SLAVERY.

We shall finish in this number our examination of the "three-fold idea of Land Reform," and then proceed to show that there is no such thing as Wages Slavery.

We are not sure that we clearly understand what is meant by "*inalienable homestead.*"

Supposing it to mean, the exemption of the property on which the family resides, from execution from debt, or from alienation, except by the will of both parents, we think it ought to become the fixed policy of every community. It is not proposed, we believe, to disturb existing rights; indeed, any law upon the subject, impairing the force of contracts already entered into, would be unconstitutional. The policy proposed is prospective. Exemption is secured for the future. Under this aspect, we cannot see a single objection to the measure. The rights of creditors will not be affected; injustice will be done to nobody; for the creditor, in calculating the chances for the recovery of debt, or the return of his loan, will always remember that the homestead cannot be touched, and measure accordingly the credit he may be willing to allow. The debtor would be secured against persecution, against destitution, against the privation of all means of recovering himself, should fortune prove adverse. He would at least have a shelter and resting place for his wife and children. A fulcrum would be left on which he might ply the lever of his industry, and raise himself again to a condition of competence. In other words, whatever his pecuniary misfortune, he would have the means to commence life anew, and accumulate enough, in all probability, to discharge former obligations. It is a measure in harmony with the spirit of the age. We have abolished imprisonment for debt; why not abolish starvation for debt? We have secured the necessary furniture of the householder, the tools of the mechanic, against execution; why not extend this just policy, and make it far more efficient, by securing the homestead?

As to Land Limitation, the third great measure of the Land Reformers, we would not speak positively, but we have never been convinced of its justice or sound policy. The most radical of all the measures proposed, it is also one of questionable character. In abolishing primogeniture, and granting all facilities for the voluntary division of estates, the country has shown its purpose to multiply the number of small landholders. Has it not done enough? Could Law do more, without seriously discouraging and obstructing the enterprise necessary to the growth of society? Would not the measure proposed fetter both Capital and Labor, and tend to interfere most injuriously with what may be called the natural laws regulating their distribution? Human nature cannot be dressed in uniform. You may throw open the soil as you please, and still, there will be multitudes who, from taste, habit, capacity, education, accident, are better suited to and with any other form of industry than that of agriculture; while, for the same reasons, there will be multitudes who will prefer agriculture to anything else. What have you gained by restricting the latter to one or two hundred acres of land? You have not changed the circumstances, tastes, habits, or conditions of the former. They will still continue trading or manufacturing, while the agriculturists, finding themselves cut off from all advancement beyond a certain point, in the channel into which their enterprise naturally runs, must direct it to commerce or manufactures, where, owing to their want of tact or experience, it will prove far less productive.

And, after all, though you may hereby retard the growth of wealth, you fail in preventing its inequalities. You have succeeded in keeping real estates upon a dead level; but does society suffer alone from inequalities among *landed* proprietors? Is not a millionaire, who owns nothing but bank stock or factories, as apt to be oppressive, as much to be dreaded, as the vast landholder? Would you enact a statute of limitation for him?

Have we not already gone as far as we can safely go? The rich man dies. His vast estates are divided among his heirs, who, educated to large expectations, in habits of servile dependence upon him, in a great majority of instances, are without the business tact, the experience, the energy, the thrift, necessary to the maintenance of wealth. They can consume, but not produce. They waste as rapidly as he gained; and, within one generation, the land he accumulated by a life of toil, and ambitiously improved, is divided and subdivided, and passes, with all its improvements, into the hands of those whose fathers were perhaps his father's factors or laborers. This revolution is constantly going on, without violence, without disturbance, but in pursuance of natural laws, and, so far as we can now see, accomplishes, in the main, what the policy of Land Limitation aims at, and that, too, without the slightest abatement of the power, or interference with the freedom, of enterprise.

The wisdom of encouraging a subdivision of large properties is not to be contested, but we must not forget that this policy may be carried so far as to prevent the proper culture of the soil. For the profitable production of the great agricultural staples, land must be held in considerable tracts: it will not do to parcel out a State into small lots. The policy of extreme subdivision has been carried to a great extent in France. The revolutionists of that country, with the boldness characteristic of all their measures, passed a law, in the first moment of their triumph, regulating the rights of property. Their great aim was, to cut up aristocracy, root and branch. No man could hold more than a life interest in property. "He had no power to give or bequeath; but, on his death, the law interposed, and distributed the estate, in equal shares, among the nearest of kin." This policy was maintained till the date of the *Code Napoleon*, which modified it so far as to secure to the testator the right of doing what he pleased with a small portion of his property. "No difference," says a writer in the London Quarterly, "is made between the landed and personal property—all is to be equally distributed among the children or next of kin, (as the case may be,) reserving to the free disposal of the testator one share: thus, if he has but one child, he may dispose of half; if two, of a third; if three, of a fourth of his whole property. But, beyond this, the parent's power is so strictly limited, and so jealously watched, that he cannot, in his lifetime, make a gift, even to a favorite child, which shall in any degree contravene the ultimate operations of the law." The result of these regulations concerning property, has been an extreme subdivision of the soil, and a wonderful multiplication of landholders. Mr. Webster, many years ago, before the law had shown its operation, alluded to it in his great speech made on the anniversary of the landing of the Pilgrims, as an important experiment, from which he anticipated the most beneficial effects. The truth is, this thing of property has such a multiplicity of connections, is so related to almost every interest of society, that no finite mind, however prescient, can foresee all the results that may follow from radical changes in its tenure or mode of distribution.

It is calculated that there are now in France 33,000,000 souls, comprising 7,000,000 families; and that, of these, 27,000,000 souls belong to 5,500,000 families, possessing landed property What are the results? A general deterioration of agriculture; the growth of capital is retarded; labor is increased, but rendered less productive. Of course, we do not overlook the facts, that large tracts of land are lying waste in that country, and that there are a few landholders whose income is enormous. These causes, doubtless, have a great deal to do with the evils just mentioned. But we refer to these statistics to show that the policy of interfering with the distribution of property, and subdividing it, may be carried too far. Numerous as are the small farms in France, that country, with its population of 33,000,000, does not produce so much as this country, with its 20,000,000.

We have briefly expressed our views of Land Reform; and we sum up our opinions by saying, that we are in favor of the freedom of the public lands, with the qualifications named, and in favor of the policy of making the homestead inalienable; but, with our present lights, we regard the proposed measure of land limitation, as exceedingly questionable.

We have no room in this number for any remarks upon the final topic—"*Wages and Chattel Slavery*"—but intend to consider it next week.

NATIONAL ERA—THE CONSTITUTION—SLAVERY.

"We regret to see the editor of the Era out in defence of the constitutionality of slavery. Really, we had supposed he had been assigned his position for a better and more noble purpose, and we are not now certain whether we were mistaken or whether he has missed his way."—*True Wesleyan.*

Gentlemen, not to say *Christians*, should feel themselves bound to discuss differences of opinion without heat or discourtesy. The *True Wesleyan* strangely forgets itself. What have we done to provoke or warrant such a paragraph? Are we to square our opinions by those of the editor of that paper, on all debatable questions, on pain of offensive censure?

That paper is greatly mistaken. The editor of the *Era* has been "*assigned*" no position. After due deliberation, he agreed to edit the *National Era*, not as a *tool* or an *organ*, but as a *freeman—entirely free.*

The *True Wesleyan* is guilty of a misrepresentation, unintentional, we hope. When have we ever assumed or argued the "constitutionality of slavery?" When Arkansas and Florida were Territories, we held, long before the True Wesleyan had an existence, that slavery in them was unconstitutional. The same position we now hold, as it respects all territory under the exclusive jurisdiction of the Federal Government. But as it regards slavery *in the States of this Union*, we believe what we have always believed, that it is neither constitutional nor unconstitutional. It is a *State* institution, dependent upon *State* laws; and Congress has no more power to legislate upon it than to legislate upon the State Bank of Ohio, or the lotteries of Maryland.

Were we to follow the example set us by the *Wesleyan*, we might say, "we cannot envy the reasoning powers of the man" who infers that, because we hold that Congress has no power to abolish slavery in the States, *therefore*, we are an advocate of its constitutionality.

But, in all our discussions, we have been accustomed to deal with the *merits of an argument*, without indulging in ungracious imputations upon the capacity of an opponent. The reasoning powers of the editors of the *Era* and *True Wesleyan* are not the subject of debate. Both doubtless desire to know the truth, but this they can do better by comparing opinions in a friendly way, and urging, in a spirit of candor, reasons in favor of the different views they may entertain, than by exclamations of surprise, or imputations of ignorance.

Perhaps an illustration may exhibit our position on this subject in such a way as to be more clearly understood by our cotemporary. The cantons of Switzerland are united by a kind of federative constitution, for certain purposes. Let us suppose that, before this union, the cantons existed independently, each having entire sovereignty in itself. In some was a State church; in others, such an institution was prohibited. The union was formed for certain specific purposes, among which was *not* the extension or extinction of the church establishment in the cantons where it was sustained by the laws. No power by the limited federative constitution was given on this subject; only it was provided that the General Assembly, or Diet, should have no power to provide by law for an ecclesiastical establishment.

Now, if asked whether such an establishment be constitutional or not, the answer would be easy: it would be unconstitutional within any territory under the exclusive jurisdiction of the federative Assembly, or Diet; in other words, that body could not constitutionally pass any law providing for the establishment of a State religion. But the establishment, as existing in the cantons, *depending upon the local laws*, no power to interfere with which had ever been ceded to the Diet, would be neither constitutional nor unconstitutional.

It might be argued that it was repugnant to the principle of the provision excluding an establishment by federative authority; but it could not be pronounced *unconstitutional*, for the simple reason that the constitution conferred no power on the Diet to abolish it; or *constitutional*, because it existed before the constitution, derived no additional sanction from its formation, and continued to exist independently of it.

This illustrates our exact position on the constitutional question in relation to slavery. In the case supposed, no intelligent man would charge us with holding the constitutionality of a church establishment, because we might insist that, as existing in the several cantons, it did not violate the constitution!

After all, it strikes us that the definition of a single word may settle the question between the editor of the Wesleyan and ourselves. If, when he charges us with the "defence of the *constitutionality* of slavery," he mean that we hold that the Constitution has created, now supports, guaranties, or sanctions slavery, we deny the charge *in toto*, and affirm that, for the last ten years, we have written more articles than he ever has, to disprove such an assumption. But if by the charge he mean that we hold the Constitution vests in the Federal Government, or any department of it, no power to abolish slavery *in the States*, we confess to the charge, but deny that it is brought in terms warranted by common sense or legal phraseology.

The *True Wesleyan* attempts to reply to our argument, published three weeks since, on the constitutional question, but we think, without the slightest success. The readers of that paper, however, will not be able to form any opinion on this point, inasmuch as it permits them to see but nineteen lines of all we have written on the subject! Such one-sided discussion will enlighten nobody. We shall therefore transfer to our columns the *whole* of the article of the *Wesleyan*, for it is simple justice to let an opponent speak for himself; besides, we are anxious for all our readers to form independent opinions, after a full survey of the arguments *pro* and *con.*

THE CONDUCT OF THE WAR.

The *London Spectator* has some very severe comments on the conduct of the war by the United States in Mexico. It censures both the field and Cabinet policy of the President.

The *field* plan, which was last summer so elaborately proposed, viz: that of cutting off the *flank* provinces of Mexico, with a view to occupation—New Mexico, New Leon, California, &c.—we have from time to time censured quite as much as others. There is now no doubt whatever that the *military policy* of the United States in regard to the war should have been to have attacked the *heart* at once, and with an army strong enough to have occupied and held the capital of Mexico. If we could not compel a peace in that way, we could not in any way. We really lost the whole campaign of 1846; for, notwithstanding the victories and the glory acquired by the army, they did nothing towards "conquering a peace."—*Cincinnati Chronicle.*

Commentators on Mr. Polk and his war will always blunder in their speculations, unless they take into the account the *end* for which that personage made war. Had it been to obtain satisfaction from Mexico for outrages upon our rights, *had there been no ulterior object*, undoubtedly the blow would first have been struck at the heart of that republic. This would have been a common sense procedure. This policy, reasoning after the manner of men, would have saved time, money, and life. But the whole history of our difficulties with Mexico, since Mr. Polk's accession, demonstrates that the alleged causes of the war were *mere pretexts*; that the object of it was, not to obtain satisfaction for wrongs done us, but, under cover of this pretension, *to obtain territory.* Adopt this theory, and the correspondence connected with the mission of John Slidell, and the war movements of the Administration since then, are all explained—every thing appears consistent. On this theory we can understand why Mr. Buchanan would not, before the war, yield to the oft-expressed desire of Mexico to send a *Commissioner* instead of a *Minister Plenipotentiary*; though *now* he is willing to do so. *Then* the Administration wanted just war enough to enable it to seize California and New Mexico. *Now*, having accomplished the seizure, it is anxious for peace. On this theory, and no other, are the demonstrations of the Administration on Monterey, Santa Fe, and San Francisco, to be reconciled with common sense. Folly the most extreme could not hope to conquer peace by sending armed emigrants away round Cape Horn to settle in California—to bring Mexico to terms by seizing upon a few outside provinces overrun by savages, and not vital to the integrity of that republic. Mr. Polk never intended to march our armies *via* Monterey, through mountain passes, to the city of Mexico. Hence the tardiness with which Gen. Taylor was supplied with the means of transportation. Mr. Polk never intended to attack Vera Cruz. Hence the inefficient movements of the squadron in the Gulf. He *did* intend to secure California and New Mexico, and by this intention all his movements have been regulated. Having accomplished his purpose, why should he push the war further? What has he to gain? Hence his anxiety *now* for peace. Doubtless he acted under the impression that peace would come any time at his bidding. So he negotiates with Santa Anna, and permits him to pass unmolested through the blockading squadron into Mexico. Then he asks from Congress the neat little sum of \$3,000,000 to enable him to satisfy the demands of the Mexican chieftain and soldiery, and at the same time indicates a willingness to yield the claims of our citizens on Mexico for indemnity, as an equivalent for the territory seized by violence.

But peace will not come at his call. Mexico is obstinate, and the President grows desperate. This is a turn of affairs which he had not anticipated. What shall he do? Prosecute the war now in earnest, or back out. Back out? That would be to abandon all for which he made war, and consign himself to perpetual shame and contempt. He must then prosecute the war in earnest, offensively or defensively, according to Gen. Scott's or Mr. Calhoun's method. He must stand still and "fend off," or go ahead and strike for the heart of Mexico. Either plan is costly, and of uncertain operation.

In this dilemma, Mr. Benton proffers his aid. He likes neither "the defensive plan of the one," nor "the San Juan d'Ulua attack of the other." He has a plan of his own—secret, promising certain results, for which he wishes to obtain letters patent from the President. He would have the army at once an angel of mercy and a demon of destruction. He would go forth both as generalissimo and commissioner, bearing the sword in one hand, the three million purse in the other, to scatter bullets or bullion, as the case might demand. The President comes into his measures. He would make the warlike civilian his second self—his lieutenant general. The House will not at first hear of it, though subsequently it relents; the Senate puts a veto upon it. But Mr. Polk is in a pinch. Peace he longs for. San Juan d'Ulua and a march to Mexico! O, anything to avoid them. And again, still again, he urges the lieutenant generalship, with the grand secret plan that promised certain results. He had set his heart upon it, but the Senate is inexorable.

Finally, when everything else fails, he tenders to Mr. Benton the appointment of major general. It is his last hope. He fondly imagines that the new major general will be able, even in a subordinate station, to have his plans, which promise certain results, acted upon; but he is destined to another disappointment. "The *command* of the army," says Mr. Benton, "therefore, is the only military position which I could hold in it."

Thus, after all his struggles, evasions, and delays, Mr. Polk finds himself compelled to order the attack upon Vera Cruz and the march to Mexico.

His entire conduct in regard to Mexico is thus explained. His measures have harmonized with his great object. He wanted territory, and ordered such movements as were necessary to secure it; thinking, when this had been accomplished, that peace might easily be made. *The great blunder was this thinking.*

Now, look at this. Mr. Polk plunges the country into a war for territory, which is to be devoted, so far as he and his Southern friends can control the matter, *to perpetual slavery*. For this exalted object our young men are to be slaughtered; widows and orphans are to be multiplied; the nation's treasury is to be exhausted; its credit placed in jeopardy; its good name defiled—and that is not all. More victims will be needed, more money required, new armies must be raised, new debts contracted, new taxes laid—and "the end is not yet." The curtain, as Mr. Calhoun says, is dropped upon our future, which no eye can penetrate.

MINISTERS AND REFORM.

A letter on our first page, animadverting upon the conduct of the clergy in relation to Reform movements generally, calls for a few remarks. The writer is an estimable man, and would not, we are sure, do intentional injustice to any one. The error of his communication appears to be *indiscriminateness* of censure. More or less injustice is apt to be done, in denouncing *whole classes* of men. The delinquencies of the clergy certainly shall find in us no apologist; but we would discriminate between those who support, and those who oppose, reform movements. In the West, for example, the majority of Presbyterian ministers (N. S.) are earnest advocates of the anti-slavery cause, and many Methodist and Baptist ministers give their influence to it. Others, from excess of caution, or from some peculiar views in relation to the proper policy of the church, confine themselves to action, decided, so far as it goes, but rather inefficient, we think, within their own pale. We suppose similar remarks might be made concerning them in the East.

Having admitted thus much, we cannot shut our eyes to the fact that, up to this hour, the conduct of the larger portion of the churches, as it regards slavery, has been, in our estimation, utterly repugnant to true Christianity. We speak of the *acts* of religious professors; we presume not to judge of *motives.*

But it must be remembered, that all the institutions of society have been equally blameworthy on this point. The whole head is sick, the whole heart is faint. *Christianity* is *divine*, but *churches* are *human*. They are composed of human beings, fallible, frail, erring, sinful; and that they should prove delinquent or criminal in many essential matters of duty, is no more reason for denouncing them, in the mass, and warring against their very existence, than similar delinquency or criminality is a reason for like denunciation and warfare against any other human association or organization.

The author of the communication referred to is not one of this class of reformers; but, we think, he errs in admitting too few exceptions to his general censure. So far as we know, the anti-slavery cause has found as many supporters among the clergy, proportionately, as in any other profession; and certainly more supporters among those who are church members, than those who are not. The truth is, we attach less importance to organizations and orders and professions of any kind, than a majority of our friends. We long since ceased to look to "great men," "leading influences," as they are called. Christ selected fishermen and publicans for his apostles. Those occupying Moses' seat were passed by. To *the People* would we appeal first of all, in every reform movement; that is, to *men, as men*, to *Christians, as Christians*, without any special regard to the parties or sects to which they may belong, or to the position they may occupy. The masses must be changed before you can essentially modify their institutions, or change the character generally of what are called "leading men," who, for the most part, are but the exponents of certain prevalent or popular beliefs.

FOLLY AND INJUSTICE.

We were the first editor in the country who thoroughly examined and exposed the iniquity of the Mexican war; the only one, we believe, with the exception of the *New York Tribune*, whose unqualified denunciations of the war were met by menaces of popular violence. From the time of our first denunciation up to this hour, we have not ceased to condemn the war, its originators, and supporters, and to insist on the duty of abandoning all offensive operations, and making peace.

While, however, we were publishing our first series of articles on the subject, we were informed that some misapprehended our course so far as to suppose us actuated by hostility to Gen. Taylor, or heartless indifference to his fate. *To correct this misapprehension alone*, we penned a few words of explanation hastily, without critically measuring our language, inserted them in the Daily we were then editing, and never thought of them again till, some months after we found them paraded in a certain class of papers, to prove us a supporter of the Mexican war!

Some of these papers in the East continue to amuse themselves by publishing these few words, without informing their readers that we wrote an explanation of them, utterly disclaiming the construction put upon them, and without even hinting that we ever wrote an article *against* the war!

We suppose such conduct must be regarded as the offspring of "stern principle," and "uncompromising devotion to truth."

Soon after it was announced that Cassius M. Clay had enlisted for the Mexican war, the editor of the Liberator wrote an article, of which the following is an extract:

"If this statement be true, and Cassius M. Clay has gone to assist in the conquest of Mexico, then *we trust he will be among the first to perish on the Mexican soil, an ignoble death!* If it be true, then no further countenance should be given to a man so utterly lost to all principle; and these Abolitionists who have subscribed for the True American, should discontinue it at once, as a token of their moral abhorrence of his guilty course."

There is an apparent vindictiveness in this paragraph which must shock every man of proper feeling; but it was evident to us that it was written on the impulse of the moment, and without sufficient care. We could not believe that the writer really harbored the malignant feeling indicated by the words which he uttered, and, *therefore*, never noticed it, called attention to it, or republished it. It gives us no pleasure to take advantage of the haste or heat of any one.

The editor of the Liberator subsequently explained himself thus:

"*We did not suppose that any one would misapprehend our meaning, which was simply this*: that, inasmuch as Mr. Clay has denounced the annexation of Texas as unconstitutional, and therefore null and void, and declared that the war against Mexico is waged for a 'damnable' purpose; and as he has at last *volunteered* to subjugate and slaughter the unoffending Mexicans, and thus to extend the area of slavery; as a man pre-eminently guilty, as one sinning against the strongest convictions of the clearest light, he *deserves to fall* ingloriously on the battle field, *sooner* than the ignorant, deluded soldier, who in morals is scarcely able to discern his right hand from his left, and who feels no scruples of conscience in regard to the war. *Of course, there was nothing intentionally vindictive or unkind in our remark.*"

Now, we ask that gentleman, what would he think of us, were we to republish from time to time his hasty paragraph, as an evidence of his vindictiveness, always carefully omitting to state that he had ever written one word of explanation?

Our word of explanation was also written in haste; we never dreamed of being misunderstood. When we found that it was misinterpreted, we also wrote a few lines, stating that the design of that word of explanation was simply to show that we harbored no unkind feelings towards the American army, and that there was nothing in it intended to justify or countenance the war. Now, what are we to think of men who republish that word of explanation from time to time, to show that we are in favor of the war with Mexico, without ever hinting at our subsequent explanatory remarks, or at the fact that we have done all in our power to oppose the prosecution of hostilities?

Is a paragraph, erring apparently on the side of lenity, written by the editor of the *Era*, to be treated with more severity and unfairness than a paragraph erring apparently on the side of cruelty, written by the editor of the Liberator?

Let Mr. Garrison and his friends answer.

☞ We should not have taken the trouble to make the foregoing remarks, but for the satisfaction of a few of our readers, who may not have been familiar with our course in relation to the present war, when we were conducting the Cincinnati Herald.

LIBERTY CONVENTION.

A Liberty Convention for the fourth congressional district of Illinois was held at Elgin, Kane county, on the 16th February. The Convention must have been a large one, as it became necessary in the course of the meeting to divide, and assemble in two houses.

Vigorous measures were taken to organize the party in the district, to circulate tracts, and insure the prosperity of the Western Citizen. It was resolved—

That this congressional district ought to be carried, and we will do all we can that, with the blessing of God, it shall be carried.

That Lake, McHenry, Kane, De Kalb, Du Page, Kendall, and Bureau, must be carried in 1847.

That a committee of three be appointed to superintend the interests of the Liberty party in the district.

That there ought to be placed in the hands of that committee a sum sufficient to secure the services of at least one good lecturer all of the time, and to meet other necessary expenses.

That said committee ascertain, as soon as possible, the sum which they need, and apportion the same to the several counties according to the number of Liberty votes in each county.

The following resolutions were also passed:

Resolved, That we reject, as untrue and evil in its tendency, the dogma of the so-called Garrison or non-resistant Abolitionists—that the only hope for the emancipation of the slave is in the destruction of the American churches, and in the dissolution of the Union.

Resolved, That we believe that slavery is created and mainly sustained by the power of this nation, and because the other political parties will not use their efforts for the removal of slavery, but legislate for its perpetuity; that the Abolitionists have been compelled to form themselves into a new political party *for the abolition of slavery.*

Resolved, That we welcome upon the broad platform of the Liberty party, without reference to sect, creed, or party views on other political subjects, all who have a vote to give for the abolition of slavery.

Resolved, That we recognise the principles of Christianity as the only sure foundation on which we may hope for permanent reform in this or any other cause.

Resolved, That we wage no warfare upon the church, the ministry, or the religious organizations of the times, *as such*. With these we wish to be at peace, and will work harmoniously with them, when they work earnestly for the slave.

Resolved, That we will not suffer ourselves to be misrepresented by the cry of anti-slavery against the Christian church, and the false charges that we are opposed to God and his institutions; *nor will we suffer the issue to be made up*—"ANTI-SLAVERY AGAINST THE CHURCH."

THE VAN ZANDT CASE.

The great Van Zandt case, we regret to say, has been decided against the defendant. The reader will find a report of the case, with an abstract of Governor Seward's able argument, on the fourth page. Next week, a similar abstract will be given of the admirable argument of S. P. Chase, Esq., and the decision of the court in full will be inserted in the same or succeeding number.

THE CONSTITUTION AND SLAVERY.

The article on our first page, on the constitutional question in relation to slavery, by E. W. C., is discussed fairly and temperately. We certainly do not concur with the writer in opinion, but it gives us pleasure to admit to our columns one who so well understands the proprieties of debate.

EUROPEAN POLITICS TRANSFERRED TO THE AMERICAN CONTINENT.

The *Washington Union* translates an article in the *Courrier des Etats Unis*, containing Mr. Soule's plan of dealing with Mexico. It disclaims an intention to express any opinion of its policy, but it speaks of its "originality and boldness, and of the distinguished source" whence it emanates, as being likely to arrest the attention of readers. Now, what is the wonderful article heralded by this flourish of trumpets? It consists, first, of some introductory remarks by the editor of the French paper, in the characteristic grandiloquent style of his countrymen, the temper of which may be inferred from the following extract:

"We, who look at this question with the impartiality of third parties, being neither Mexican nor Americans—we, if we were chosen as judges of litigation of two great nations, would declare as equally unreasonable and false to his country both the *American statesman who, through jealousy of the North against the South, would voluntarily renounce the conquests of his victorious country*, and the Mexican statesman who, blinded by pride, should prefer the demolition of the whole social edifice of his country, rather than recognise and accept the loss of some of its stones which have already fallen out."

The *Courrier des Etats Unis* is admirably impartial. What "American statesman" has indicated a purpose to renounce, *out of jealousy of the South*, one foot of "the conquests" referred to? Not one. That paper grossly misrepresents the people upon whose destinies it has the presumption to sit in judgment. Many Whig statesmen have urged the duty of abandoning a war of conquest, and abstaining from the dismemberment of Mexico, not from a petty Northern jealousy, but from high considerations of justice and policy. Democratic statesmen in the North are equally innocent of this gross charge of jealousy. In not a single instance have they indicated the slightest disposition to give up one inch of the new territory acquired by this aggressive war. But the miserable jealousy falsely ascribed by this French paper to the public men of the free States, has been openly manifested by the public men of the South. Judge Dargan, of Alabama, Mr. Tibbatts, of Kentucky, Mr. Calhoun, and many other prominent statesmen of the South, declared against the acquisition of one foot of territory, and in favor of the total abandonment of the war, unless all the territory acquired should be given up to slavery! The declaration was made repeatedly. Mr. Calhoun announced that he held himself in reserve on the three million bill, asking what Southern Senator would vote for it, with the proviso? But the object of the bill, as everybody knows, was to secure territory. No wonder this one-sided alien, who falsely charges upon the statesmen of the free States a petty jealousy exhibited alone by some of the slaveholders, finds favor in the eyes of the *Washington Union*. But, what think the Northern and Western Democrats of the amiable impartiality of this brace of patriots?

Secondly, what of the *bold* and *original* views of Mr. Soule? Brazil, Mexico, and the United States, he thinks, should form a Holy Alliance. Each Power is interested in the prosperity of the other.

The destinies of the American Union demand the annexation of California and New Mexico.

It is the vital interest of Mexico that the smaller States, generally denominated Central America, be annexed to that republic.

Brazil is gradually absorbing the petty States in its neighborhood.

Let the three Powers, then, unite themselves by indissoluble bonds, and Europe will be forever excluded from the continent. Let Mexico cede California and New Mexico to the American Union, and the American Union should bind itself, with its whole power, to assist Mexico in subjugating Yucatan, Tabasco, San Salvador, Honduras, Costa Rica, and Nicaragua.

Here is a bold proposition to transfer European politics to the American continent. We have in this plan of Mr. Soule a development of the grand idea of M. GUIZOT, concerning the wisdom of establishing a balance of power system in this New World. In the Old World, this system has kept Europe in perpetual turmoil. A few large Powers have assumed the guardianship of the whole, cutting up, and paring down, and patching, the smaller States, according to their good will and pleasure. This vile, destructive system, Mr. Soule would transfer to this continent; and the *Union*, which some time since was bursting with patriotic indignation at the mere hint by M. Guizot of the policy of creating this system of political balances in the New World, now gives a *quasi* endorsement to the full scheme as recommended by Mr. Soule.

Beautiful consistency! What think our Democratic friends of this importation of European politics? General Washington, in his Farewell Address, warned the people of the United States against all entangling alliances with foreign nations. The balance of power system found no favor with him. Mr. Soule, our French Senator, boldly proposes a series of entangling alliances, for the express purpose of the *violent* aggrandizement of a few great Powers, who are to exercise the same supervision over the countries of America, that Russia, Prussia, France, and Austria, assume over Europe. And Mr. Polk's organ deems the proposal of so much importance, that it goes to the trouble of translating it; and then, so far from saying a word against it, talks of its boldness and originality!

For ourselves, we prefer the counsels of Washington to those of a man who has not been long enough on American soil to unlearn European politics; and we cannot understand why a balance of power system in the hands of Mr. Soule is entitled to any more favor than when proposed by M. Guizot.

We call the attention of the American People to these things. The bargain proposed is this: We say to Mexico, "Give us California and New Mexico; these will answer our purposes for a century or two; meantime, as an equivalent, we will help you to rob the independent States of Central America of their sovereignty, and bring them under your yoke. It may cost a good deal, but we are willing to stand it. We have spilt a considerable quantity of blood already, and laid out some sixty or seventy millions of dollars, and raised our standing army to thirty thousand men; and we are getting used to such things. Possibly, it may require some hundred millions of money more, and many more of the lives of our people, and a still larger standing army, to help you wage a war of conquest against your weak neighbors, but we are anxious to establish on this continent the great balance of power system, under which Europe has so signally flourished; and certainly so glorious a step in *civilization* is worth a trifle."

How *bold*, how *original!* cries Mr. Polk's Democratic organ. How *constitutional*, too, Mr. *Union.* How admirably in harmony is this plan of entangling alliances, and aggrandizement by conquest, and annihilation of independent sovereignties, with the eternal resolutions and abstractions of 1798!

That the reader may see the justice of these strictures, we copy from the Union the plan of this French United States Senator. After stating what the destinies of the American Union demand, he proceeds:

Mr. Soule would desire that a sincere and intimate alliance should be established between the two nations, and that they should march forward, mutually sustaining each other, in a path of common prosperity and common grandeur. This future grandeur and prosperity, Mr. Soule finds for Mexico in the consolidation of her internal constitution, by the establishment of a strong Government, and in the outward extension of her political confederation.

To the south of Mexico lie several States, weak in the feebleness of their isolation. Known sometimes by the name of Central America, and sometimes by that of Guatemala, and composed of the provinces of Guatemala, San Salvador, Honduras, Costa Rica, and Nicaragua, all detached branches, like Mexico, of the old Spanish Crown, these States sustain, each of them, with the Mexican people, the triple affinity of manners, religion, and language. To unite them in a single State would be an easy task, because profitable to all; and this task the American Union should, with its whole power, aid Mexico to accomplish, after having first aided her to reunite Yucatan and Tabasco, now half detached from her by that force of dissolution which causes both States and edifices to fall of themselves into ruins, stone after stone. Thus the United States would restore to Mexico on one of her frontiers what they would take from her on the other. Mr Soule is convinced that the offer of such an alliance, made in good faith, must weigh greatly in the balance of our Mexican negotiations. Should it even remain inoperative, this idea would yet form a powerful palliative to Mexican distrust and pride, by exhibiting towards them a good intention, and suggesting at least a hope of compensation for their present sacrifices. But we believe, with Mr. Soule, that this hope might easily become a reality, if the United States should take in hand, actively and sincerely, the negotiation of this process of union in Central America. Extending herself from the Rio Grande to the Lake of Nicaragua, Mexico would be both stronger and more homogeneous than at present. The civilization of the Spanish-American race would make a great step of progress on the day when, instead of being in collision with the Anglo-Saxon race, it should unite itself in alliance with it, and learn from it the practice of that liberty, of which, till now, it has learned only the theory.

On this union depends, perhaps, the final emancipation of the Mexican people. This struggle has held it stationary, and has destroyed it; such an alliance must advance and save it. Association is the end of all the moral tendencies of great nations, just as attraction is the natural law of great physical powers. The American continent is destined to obey this double law. Brazil is doing at the south, upon the provinces which surround it, what the American Union is doing at the north, and what Mexico is summoned to do between them, whenever its present pause of anarchy shall cease. Far from dashing against each other, these three great centres have a common interest in aiding each other to share amicably the triumvirate of a world, whose domain is too vast for either of them to possess it alone. On the day when this American Holy Alliance shall be contracted, Europe must renounce forever all possession and influence in a hemisphere where she has no other strength than the weakness of its indigenous Governments and nations.

REVIEW.

CINQ-MARS. By ALFRED DE VIGNY. Translated by WILLIAM HAZLITT. New York: Published by Harper & Brothers.

FORTESCUE. By JAMES SHERIDAN KNOWLES. New York: Published by Harper & Brothers.

A large proportion of the literature of the age consists of romance or novel writing. History is taught by the novel. The moralist uses the same vehicle to inculcate the purest lessons in ethics. The social reformer resorts to it, that he may arouse the public mind to the evils of society, and show it the remedy. Even the stern essayist and worldly politician invoke the aid of ideal illustration. In a former age, the novel occupied a lower position than it does with us. It was designed chiefly to amuse; that it aimed at any moral effect at all, was to be learned alone by the author's preface. It paid little attention to purity of thought, or real elevation of sentiment. It was either puerile, or powerful and corrupt, or extravagantly impassioned. The horrors of the Castle of Otranto was an example of the first class, Tom Jones of the second, Madame de Stael's Corinne of the third.

Generally speaking, the novel of this age ranges in a higher sphere. It deals with *Thought*, as well as *Passion*. It discusses as well as narrates. It has something to do with the internal Life, as well as accidental forms. If it represent vice, it is not to excite our merriment or win our sympathy, but to awaken our deep repugnance. If it appeal to the passions, it does it not wantonly, and so as to effeminate or debauch, but in sober earnest, with a view of enlisting us on the side of Truth and Justice.

This is the character of the better class of the novels of this day. In fact, they have absorbed much of the literary talent which, in other times, developed itself under the forms of philosophy, poetry, essays, sketches, and dialogues.

That there is a large class of novels of a very different character—grovelling, false in principle, villanous in taste, unnatural in the portraiture of life—we freely admit. But it is unjust to permit them to give character to the whole. Besides, the evil effects of even this class of romances are, in our opinion, exaggerated. They are generally too impotent to leave any kind of impression behind them. The worst, in fact, almost the sole bad effects that may result from their circulation are, waste of time and a debasement of the taste. We can easily understand how such an exhibition of sensualism as is contained in *Falkland*, one of Bulwer's first productions, must prove deleterious to a youth of ardent passions; and it is easy to see why the *Corinne* of Madame de STAEL must injure a reader of delicate sensibilities and intense imagination. The former communicates insidiously the poison of voluptuousness; the latter so concentrates the attention, so plays upon every sensibility, winds up to such a pitch of intensity every passion, that the whole soul abandons thought, and is lost in feeling. The result is, a dreamy languor, a disgust at reality, a longing for an existence of more passion, an almost unconquerable indisposition to mental effort. The mind we have described would be emasculated by the habit of reading such romances.

Fortunately, however, as we said before, the lower classes of novels in our day have not genius enough to do much harm, while the higher class are so toned with sober thought and sound principle and noble sentiment, that while passion may at times be aroused, reflection is almost constantly kept at work; and the reader rises from their perusal with no more disrelish for the every day duties of life, than if he had been studying any other production of a well-balanced, enthusiastic intellect.

To this class of novels belong the two works whose titles stand at the head of this article. In some respects, however, they are very ordinary. One is historical, the other sentimental and moral. Both are the products of excellent minds, and can scarcely be read without benefit. The Frenchman is picturesque, eloquent, sometimes a little too ambitious for effect. The Englishman (or Irishman) is easy, graceful, full of pathos. There are more *fine* passages in Cinq-Mars, more *touching* ones in Fortescue. The chief interest of the former lies in its narrative and description; of the latter, in its development of character and expression of noble sentiments. Both are encumbered with tiresome passages.

We can hardly appreciate all the excellences of a French writer, because we are not sufficiently familiar with French life. What to us appears puerile, extravagant, or theatrical, may be a most faithful delineation of life and manners in France. We are apt to think there is a great deal more of human nature among the Anglo-Americans than any other people. One marked peculiarity distinguishes the whole tribe of French novelists. With them, the *family* is not so sacred an institution as with English and American writers. In the works of the former, *friendship* has more love in it than *matrimony*: the wife is *protected*, the friend *adored*. DE THOU, (in the novel of ALFRED DE VIGNY,) a sober-minded lawyer, pure and exalted, aged thirty-five, is the devoted friend of the ardent CINQ-MARS, a young man of twenty-two; so devoted that, despite his love of tranquillity, his sound judgment, strong loyalty, and against the remonstrance of CINQ-MARS himself, he embarks with him, out of pure love, in a dark conspiracy, condemning every step he takes, but determined to go with his friend to the scaffold, if necessary. On the other hand, the Anglo-Saxon novelist delights in portraying family scenes. In Fortescue, we have exquisite pictures of this kind. Conjugal devotion, filial affection, are themes of beautiful passages. Most strikingly do these differences illustrate national character.

The American Statesman is the title of a new paper, in quarto form, 16 pages, published in New York, and edited by A. Ingraham. It is Democratic in its principles, but not a partisan sheet. The great idea of the paper is, to hold up a mirror of the social and political condition of the country. Important official documents are preserved in it; and every number contains articles carefully selected from the leading prints of all political parties, Whig, Native American, Land Reform, Liberty, and Democratic, with a view to enable the reader to obtain a correct view of the politics of the country, and form an enlightened judgment concerning the important questions of the day.

Such a paper deserves to be well patronized by all parties. We take pleasure in commending it to our readers. "We lay before our readers," says the editor, in his paper of the 10th, "in this number, the speech of Lord John Russell in relation to Ireland, two or three speeches of American Senators, some fifteen or twenty editorial articles of the American and foreign press, besides a great number of articles relating to a variety of subjects of interest to intelligent readers. We venture to assert that no other paper publishes, for so small a price, so great an amount and variety of matter as will be found in this." The price is \$3 a year.

The Southerner is the name of a new tariff paper, just started at Richmond, Virginia, edited by Mr McCrate. The editor seems to be animated by a warm desire to aid in recovering Virginia from her depression. Slave labor and manufactures don't harmonize well. *Free* labor is the one thing necessary to the Old Dominion.

Littell's Living Age we cheerfully place upon our exchange list. It is one of the best publications in the country. It is published every Saturday, by Littell & Payson, No. 165 Tremont street, Boston. Price 12½ cents a number, or \$6 a year.

The *Literary World* is published in New York, every Saturday, under the editorial charge of Evert A. Duyckink. It is in quarto form, well printed, on good paper. Annual subscription, \$3. It is devoted exclusively to literary reviews and the fine arts, and is appropriately styled "a Gazette for Authors, Readers, and Publishers."

TO DELAWARE.

Thrice welcome to thy sisters of the East,
  To the brown tillers of a rocky home,
With spray-wet locks to Northern winds released,
  And hardy feet o'erswept by ocean foam:
And to the young nymphs of the golden West,
  Whose harvest mantles, fringed with prairie bloom,
Trail in the sunset! Oh! redeemed and blest,
  To the warm welcome of thy sisters come!
Let the weak chains which bind thee fall apart,
At the strong swell of thy awakened heart.
Broad Pennsylvania, down thy sail-white bay,
  Shall give thee joy, and Jersey from her plains,
And the great lakes whose echoes, free alway,
  Moaned never shoreward with the clank of chains,
Shall weave new sunbows in their tossing spray,
  And with their waves keep cheerful holyday.
And, smiling on thee through her mountain rains,
  Vermont shall bless thee, and the Granite peaks
  And vast Katahdin, o'er his woods, shall wear
  Their snow crowns brighter in the cold, keen air.
  And Massachusetts, with her rugged cheeks
O'errun with grateful tears, shall turn to thee,
  When at thy impulse the electric wire
  Shall tremble northward with its words of fire:
GLORY TO FREEDOM'S GOD! A SISTER STATE IS FREE!

J. G. W.

PATRONAGE AND LEGISLATION.

It is astonishing that the people of the United States do not insist upon some measure that shall prevent members of Congress from being appointed to office by the President, during the time for which they are elected, and two years subsequently. Could they know the shameful manner in which Executive patronage is used to shape the doings of Congress, they would hardly deem extravagant the extraordinary statement of Mr. Westcott, concerning the corruption of the Government.

The Legislative power ought certainly to be independent. It should embody faithfully the will of the people. But patronage is more powerful than the people. Nobody doubts that the Legislatures of Ohio, New York, and Pennsylvania, in their resolutions against the extension of slavery, fully represented the public sentiment of those States. Their resolutions were promptly communicated to Congress; Senators were instructed, Representatives were requested, to do all they could to promote their objects; and yet we find fifteen Representatives from these three States, and one Senator, voting in the very teeth of them—boldly setting aside the will of their constituents, defying openly a universal sentiment. Would they have dared to do this, had not Executive patronage been at work with them?

The President is more potent than the people. He has more important offices at his disposal than they have. He can at this moment exert more influence on legislation than they can. In fact, through the last session, Congress was at times a mere puppet in his hands. The National Legislature simply recorded the will of the Executive. And why? The President had capital enough at his disposal to buy votes to determine almost any question in his favor. The prompt, almost unanimous rejection, at first, of a measure recommended by him, was of no avail. He treated it with cool contempt. Again and again would it be renewed, the opposition growing weaker every time, till at last it became law, although perhaps in a somewhat modified form. Was it Congress or the President that made the law?

The evil will increase. The patronage of the President is enlarged by the extension of the republic and the multiplication of its public offices. Congress will become more and more dependent upon Executive dictation. There will always be men enough in that body to constitute a Swiss guard; and as they vote, so will be the law.

Why not correct the evil, when the remedy is so easy? Prohibit appointments to offices of members of the Federal Legislature, during the term for which they are elected, and for two years thereafter. No inconvenience of moment would result from this. The public service would not be injured. There are men enough of high character and capacity, out of Congress, to fill vacant offices. Let the representatives of the people do the work for which they are chosen, looking to the people for their reward. Let not the tie between them and their constituents be weakened by Executive interposition. Let not their integrity be exposed to the corrupt influence of patronage. Let them feel that they have no hope of elevation, but from a faithful discharge of their duties, under the controlling power of a good conscience and a just regard for the popular will. Exclusion from office for two years might delay for a season, but would not prevent, the gratification of a reasonable ambition.

True, this remedy would not be entirely effectual. It would still leave members assailable through the channels of consanguinity or friendship. They might be bought by promises to their companions or their relatives. But these influences would be comparatively weak. The office seeker is generally working for himself, not another; so that the corrective we propose would go a great way towards making an independent, a comparatively incorrupt Legislature.

We have long advocated this measure, and a careful observation of the vicious interferences of the Executive with the proceedings of Congress, for the last two months, confirms us in the opinion that we are right.

It has already been stated, that the passage of two or three bills, at the late session of Congress, authorizes the President to appoint some five or six hundred new officers. Two or three days since, we noticed in one number of the *Union* one hundred and twenty-eight appointments made by him, some of them conferred on members of Congress or on their friends.

Why should not the people take the subject up in their primary assemblies, and instruct their candidates on this subject? Surely it is worth an effort, especially when the remedy is so easy, to save Congress from the degradation of being the recorder of the President, instead of the representatives of the People.

IMMIGRATION.

Thousands of the poor of Ireland have taken refuge in the seaports of England, where they are awaiting opportunities to embark for this country. Let them come. We have enough, and to spare. Emigration societies should be on the alert to show them the way, and aid them to the great West. If they remain in the large cities, they will continue to be subjects of charity.

EPITAPHS.

The *National Intelligencer* favors its readers with elaborate epitaphs upon the nine Senators whose terms of service expired with the close of the last Congress. The loss sustained by the country in the Senatorial decease of these gentlemen, must be incalculable. We never knew before that the American Senate contained so vast an amount of transcendent talent. One was marked by "manners unaffectedly lofty." Another, whom we know to be wondrously verbose, and gracefully commonplace, is distinguished by "brilliant jurisprudential abilities," being "learned and yet luminous, philosophical and yet practical." Another is a "marvellously still" man, "seldom heard but in an *ay* or a *no*, always at the right place"—"might be relied upon to mount a breach *alone*;" in fact, is "the *Aristides* of the Senate." Another is "brilliant and powerful," awakens recollections of "Themistocles" and "Hercules," excels all the political economists who have lived since the days of "Alexander Hamilton;" as a debater is "wonderfully clear, concise, and forcible, but singularly agreeable and interesting." It is the crowning excellency of another, that "an idea of anything but pride in the successes of Clay, delight in those of Crittenden, never entered" his "noble and loving heart." Another, under "an air of almost rustic shame," has an "intellect signally piercing, just, and practical," and well merits "the title of the Philosopher of Facts and Practice." Another, and the last, too good to be glorified in plain English, is embalmed in Latin: "*Heu prisca pietas! Heu incorrupta fides.*" And the political decease of the Senator reminds the writer of the question of Æneas—"Who of the Myrmidones or Dolophions, or what spoils-loving follower of the heartless Ulysses, could, in telling of such a thing, not drop a tear?"

Who would not die so sweet a death? We could hardly wonder, should some Senator hereafter, despairing of fame in any other way, cut short his Senatorial career, just to have his epitaph written by the Intelligencer.

MR. BENTON AND THE PRESIDENT.

This gentleman has lately occupied a larger space in the public eye than his merits entitle him to. The newspapers are publishing a correspondence between him and Mr. Polk, in reference to his appointment as major general, entirely in keeping with the petty character of our politics.

Mr. Polk was anxious to send Mr. Benton out as lieutenant general, but the Senate would not. His next step was to appoint him major general, with a view, we suppose, of placing him in virtual command of the army. Mr. Benton, without waiting for the formality of being presented with the commission, writes to the President, March 6, as follows:

"Personally I can have no wish for this office; but, if you believe that I can be of service to the country, I am willing to forego all private considerations—separate myself from my family, under painful circumstances; resign my place in the Senate, which is so dear to me—and proceed immediately to the theatre of war. My only stipulation would be for the powers which I deem necessary to success; and these would be both military and diplomatic—the command of the army and authority to sign preliminaries of peace, based upon terms previously approved by you."

A most modest request! Plenipotentiary powers of War and Peace demanded, by a general without military experience or reputation—a civilian, with nothing to distinguish him from his fellow Senators, except his pretension.

The President, in a highly complimentary letter, of March 9, replies:

"Immediately after your nomination as major general had been unanimously confirmed by the Senate, I carefully examined the question whether I possessed the power to designate you—a junior major general—to the chief command of the army in the field. The result of this examination is, I am constrained to say, a settled conviction on my mind that such power has not been conferred upon me by the existing laws."

It seems, then, that Mr. Polk was extremely anxious to place this inexperienced man over the heads of Generals Scott, Taylor, Worth, Butler, &c., but, with all his efforts, could not find warrant for such an act.

Mr. Benton replies:

WASHINGTON, TUESDAY EVENING, *March* 9, 1847.

SIR: Your letter of this day's date is just received; and seeing no reason for further reflection, and wishing to avoid all delay in officering the army, I have written a note to the adjutant general, to be delivered at his office in the morning, declining to accept the appointment of major general in the army, so kindly offered to me by you, and so honorably confirmed by the Senate.

I have the honor to be, sir, with great respect, your friend and fellow-citizen,

THOMAS H. BENTON.

To the President.

What a farce is the whole transaction!

THE OBJECTS OF THE WAR.

During the late session of Congress, a proposition to disclaim all purpose of conquest, any intention to dismember in any way the territory of Mexico, was voted down in the *Senate* by a decisive majority, and a similar proposition in the *House* commanded but 76 votes out of 228.

The same Congress passed a bill appropriating $3,000,000 to enable the President to make peace, it being understood on all hands that it was in contemplation to obtain a large portion of Mexican territory.

The same Congress, after having for one month in both Houses discussed the proposition to exclude slavery from any new territory to be acquired by conquest or purchase, voted it down in the Senate by a majority of ten, in the House by a majority of five.

The conclusion is inevitable. The Government of this Union is now waging war with Mexico, with the fixed resolve to obtain a large portion of her territory, and to establish therein human slavery. *Slavery-propagandism*, by *the Sword and by the Purse*, over territory now free, and belonging to a sister republic, is the policy of the American Government!

There can be no mistake about this. The votes of Congress, the acts and revelations of the Chief Executive, demonstrate that it is a fact. Lying demagogues, a prostituted press, may deny it—may talk of "patriotism" and "our country, right or wrong," and the "extension of the area of freedom," and "national honor," and all that—but the hypocrisy is too transparent; the people are not yet stone-blind; they must see that the great object of the Government is to *despoil a neighbor of her territory for the aggrandizement of slavery.*

For this glorious purpose is a debt of one hundred millions of dollars to be contracted, and whole hecatombs of victims are to be driven to the slaughter.

The proceedings in regard to the Wilmot proviso are highly instructive. Last winter it passed the House by a majority of 36, almost every member from the free States sustaining it; and in the Senate, had it been brought to a vote, there can be no doubt that it would have commanded the undivided support of Senators from the non-slaveholding States. *Then*, no time had been allowed for *Executive interposition*. Members were obliged to act before they could offer themselves for a price.

At the late session, the subject came up at an early period. Signs of wavering were betrayed. Incorruptible integrity few politicians believe in. To change thirty-six votes seemed almost hopeless, but patronage in our political system can remove mountains. Members from the non-slaveholding States scoffed at the threats of a dissolution of the Union. This bugaboo had lost its terrors. They were not to be blown away from their position by windy measures.

But it was evident that some *Invisible Influence* was busily at work. What was it? Why did members from the North and West begin to palter? Whence the mutual distrust among them, and the confident bearing of the Southern members? *With the latter, against the former*, was the whole weight of Executive power. Bills were passed creating many additional offices, *to be filled by the President.* Northern knees began to shake, Western virtue to limp.

Finally, the vote was taken, and lo! the majority for Freedom has gone down from *thirty* to *nine!* "Victory!" shouted the *Tribune*. "We shall see," said South Carolina.

The question is transferred to the Senate, and discussed there quite leisurely. No haste about it. Why should there be? Let the *Invisible Influence* have time to play its subtile engines. O, for more offices! Ten additional regiments are voted; five or six hundred new offices are placed in the gift of the President. Directly, a war meeting is called in Northern Ohio; it deprecates extraneous topics, and goes for war bills, without any encumbrances. A central press in New York echoes the patriotic sentiment. Other presses, in blind submission to the Administration, swallow their own words, and repeat the echo. Then one or two Western Legislatures rush to the rescue. Ah! who has done all this? The Executive has long arms. The *Invisible Influence* has been at work.

But the session draws to a close. Push the vote at the last hour, when deliberation will be impossible, and the victory is won. It is done. Five Senators from free States betray their trust, and vote substantially to conquer free territory, and convert it into the habitation of slaves. The bill goes back to the House. Alas! where are the immortal thirty-six, who so resolutely fixed a *limit* one year ago to slavery! Disappeared; and instead of them, the incorruptible House gives *five majority* for the *extension* of slavery! Is any man so stupid as not to see the hand of Joab in all this? What has wrought these wonderful changes? *Two changelings from Ohio have obtained for their sons the appointments of midshipmen!* Another of the faithful was nominated to a high mission, but he fell short of the mark—the Senate rejected him!

Let the country keep watch, and it will find, before half a year shall have passed, *who* are the traitors, and *what* was the price of their treason.

NEW HAMPSHIRE.

The Democrats have carried this State by a small majority, over the Whigs, Liberty men, and Independents. Their majority in the Legislature will be small. Our friend "J. G. W." explains the matter very satisfactorily. One circumstance, however, he has overlooked—the fact that the Democracy from the free States in Congress had rallied in opposition to slavery, and carried the Wilmot proviso through the House, undoubtedly induced many Democrats, who last year voted with the Independents, to return to their old ranks, under the impression that their party was at last about to disenthral itself from slaveholding influence; and the intelligence of the final defeat of the proviso by the recreancy of twenty-two free State Democrats did not reach them time enough to change their determination.

Most absurdly is the *Union* claiming this victory, which is the result, in great part, of the earlier action in favor of the Wilmot proviso, as a full endorsement of Mr. Polk and his war and slavery policy!

MR. CILLEY.

We supposed, from a mere glance at the revised speech of Mr. Cilley, when it was handed to us for publication, that the questionable portions of it, as originally reported in the *National Intelligencer*, had been amended; but, on reading it over carefully, we must confess our disappointment. It is not such a speech as was to be expected from an anti-slavery man. It takes right ground in recommending the withdrawal of our troops from Mexico, but assigns very poor reasons for it. Above all, it is sadly deficient, in not pronouncing a plain, hearty, unqualified sentence of condemnation upon the war, its authors and abettors.

While upon this topic, we must express our mortification on another account. The *Bugle*, of Salem, Ohio, publishes the following letter:

WASHINGTON, *Feb.* 13, 1847.

DEAR SIR: As I am not yet in favor of a dissolution of the Union of the United States, I return the petitions directed to me with a request to present them to the Senate of the United States.

Yours, respectfully,

J. CILLEY.

BENJ. S. JONES, Esq., *Salem, Ohio.*

This is a strange letter. *We* are not in favor of a dissolution of the Union, any more than Mr. Cilley is. We should deem it a terrible calamity; but what right has Mr. Cilley, or any other Senator, to set up his judgment, as law, for any portion of the people, and tell them what they shall and shall not petition for? The ground assumed by the venerable Adams should be sustained by every lover of freedom. We go for the right of petition, unqualifiedly—a right before the Constitution and under the Constitution—a right, inherent in human nature, in bond and free, alien and native. Let there be no gagging by Congress as a body, or by Congressmen individually.

RELIEF FOR IRELAND.

The work of charity still goes on. The treasurer at Cincinnati reports between eight and nine thousand dollars received there. One of the most delightful features of this national movement in behalf of the starving people of Ireland is, the liberality of the poor working men throughout the country. The operatives on the Lowell railroad have contributed $262. The operatives in York manufactory, Saco, have given $329. We should like to know how much was collected from the late Congress. By the way, why have we no acknowledgment through the Washington papers of the moneys contributed here by members of Congress, reporters, and citizens?

CINCINNATI WEEKLY HERALD.

We commend this paper to the favorable consideration of our old subscribers. It is admirably edited by Stanley Matthews; and Mr. Sperry, its principal publisher, a highly estimable man, has embarked his all in its support. They have hard work to get along. This should not be. Can the Liberty men of Ohio tacitly abandon so important a point as Cincinnati? We are gratified that our old subscribers, generally, continue their support to us, but our pleasure will be greatly alloyed if they fail to give also a vigorous support to the *Herald*. No paper needs more their help—none is more deserving. We beseech them to interest themselves for that paper, and encourage the true-hearted men who have assumed the laborious task of keeping it up.

THE WILMOT PROVISO AND THE ST. LOUIS GAZETTE.

The *St. Louis Gazette*, from which is taken the following article on the Wilmot proviso, gives expression to the sentiments of many in the slave States, who have not yet had the courage or opportunity to speak out:

"Many of the slaveholding States are so rather by compulsion than by interest. It is a money-losing business for some of them. It is only a few of the extreme Southern States that have been or can be profited by this institution. Their ultra notions do not find countenance in the Middle and more Northern slave States. The McDuffie doctrines on this subject cannot gain advocacy with citizens of States North or Northwest. That this institution is the foundation, the corner-stone, the ornament of republicanism, none can be brought to believe, except the ultraists of that same school. When, therefore, the question is seriously put to the Senators, whether they shall inflict or prevent those injuries their fathers so strongly and so stoutly strove against in our colonial history, we believe they will forego all sectional prejudices, and meet the question on its naked merits. The prejudices with which the Northern fanatics have involved this subject, has been such that Southern philanthropists and statesmen heretofore have been unable to act freely. Demagogues have so seized hold of this subject to raise themselves into notice, that men in office, or seeking it, have been under constraint. A question of such moment as the *extensions* of slave States must command the serious consideration of Senators from the slave States themselves. They will hesitate before they fasten upon new States those evils which have rendered some of them prematurely old—evils which, with two or three exceptions, those States themselves have acknowledged to be great—evils which they would gladly, if they safely could, get rid of."

RUMOR.—Hon. George Evans has been suddenly recalled to Washington, rumor says, for the purpose of being consulted by the Government, and it may be, about the Mexican commission.

ABOLITION IN DENMARK—HAYTIEN TRIBUTE TO THOMAS CLARKSON.

AMESBURY, MASS., *10th 3d mo.*, 1847.

The emancipation of slaves seems to be the settled policy of the world. Uruguay has decreed the final abolition of servitude; Mehemet Ali is said to have given freedom to his personal slaves; and a petition has been adopted in the Danish Assembly, praying "that his Majesty lay before the States, at the next meeting, a project of a law, based upon careful local inquiry, for a complete emancipation of the slaves in the Danish West India colonies." The speech of the President, Professor Clausen, on putting this petition to vote, is worthy of a Christian statesman, and, as the following extract will show, presents a striking contrast to those of Colquitt, and Cass, and Ingersoll, in our own National Legislature:

"There are certain relations maintained, the existence of which is so diametrically opposed to the first principles of Christian right and equity, the first requisites of Christian civilization, that no one can be brought to tolerate them, but by averting thought and eye—were it possible for him to do so—from the degradation of human nature on on the one hand, and the violation of Christianity on the other, that lie at the bottom of these relations. It appears to me, that one may be very free from everything that may be termed overstrained enthusiasm, from everything that may be or is accounted as sickly sentimentalism, and yet seriously entertain the opinion, that a State, when it has once arrived at a certain point of well being, (so that it can procure the conditions of a dignified and even a pleasurable existence,) is stringently bound to rectify such relations; and that no great significance can be attached to that civilization on which it would pride itself, or to the Christian name which it would not willingly renounce, were it to suffer the continuance of a system, which I know not how to designate by any other epithets than those of sinful and ungodly."

The number of slaves in the Danish colonies is said to be about twenty-four thousand. The committee who reported the above petition recommended the appropriation of two million Danish dollars for the compensation of the masters. This was rejected, as it was urged that the finances of the country would not bear such an appropriation; that the real value of the slaves had not been ascertained; and that, finally, the slave owner had no right to compensation, as there could be no valid title to property in man. The vote on the compensation clause was forty-four against to twelve in its favor. Capt. Herforth made a motion, that no petition be presented on the subject, which was rejected by a close vote of thirty to twenty-six. The late Joseph John Gurney visited Denmark, with his sister, Elizabeth Fry, in 1811, with special reference to the anti-slavery cause; and to their labors of love and humanity, I have little doubt, this movement owes its origin.

The last number of the British and Foreign Anti-Slavery Reporter contains a testimonial from the Haytien Government to the memory of the venerable and beloved Thomas Clarkson, signed, in behalf of President Riche, by A. Larochel: "Ministre de la Justice, de la Instruction Publique, et des Cultes," addressed to the British and Foreign Anti-Slavery Society. I append an extract from it, which evinces the gratitude of an emancipated people towards their benefactor and friend:

"There are, gentlemen, some men whom Providence has raised up for the especial purpose of carrying out his great designs in reference to mankind. The mission of the venerable THOMAS CLARKSON was clearly pointed out to him; and that devoted man performed his duty with all the fidelity and zeal of an apostle. Even in this world his perseverance and his virtues found their reward; and after a long series of labors and trials he was permitted to enjoy the sweet satisfaction of seeing the slave trade abolished, liberty proclaimed throughout the whole length and breadth of the British empire, and the spirit of emancipation struggling for the deliverance of the people yet afflicted with the leprosy of slavery. He was allowed to anticipate the time when, from one end of the earth to the other, all men shall be FREE. He was allowed to die in peace, giving glory to his Creator, who had designed him to be the means of so much happiness and security to a class of men who, for so long a period, had been devoted to the most degrading slavery.

"But if anything can mitigate the sorrow felt at so great a loss, it is the fact that HIS EXCELLENCY THE PRESIDENT feels, in common with all Haytiens, that the work of the venerable THOMAS CLARKSON is ably carried on by the society over which he presided, and in whose labors he took a part more active than his advanced age would have seemed to allow. All of you, the Haytiens well know, are animated with the same fervent zeal as the virtuous man whom we now regret. He has often aided you with his counsels and his experience; he has often talked to you of better times to come for the African race. That the wishes of this holy apostle of emancipation may be realized, we fervently hope. Both blacks and whites, we all will work for the accomplishment of this end, each one in his own circle; for the cause of liberty is the cause of God. You will labor for the completion of that noble temple, which the venerable THOMAS CLARKSON desired to raise to the honor of God, who had so often assisted him in his painful exertions, by the destruction of slavery in every country where it has raised its execrable head. In the dwelling place of the just made perfect, whence THOMAS CLARKSON now contemplates your philanthropic effort, he will take delight in remembering that he has left behind him disciples worthy of himself, and worthy to fulfil the mission that he had undertaken in the spirit of love.

"HIS EXCELLENCY THE PRESIDENT OF HAYTI has ordered me further to express to you, gentlemen, the high opinion he entertains of you personally, and the interest that he takes in your labors. HIS EXCELLENCY regards, with an attentive eye, the progress of this great and noble question, and his heart sincerely rejoices at each new triumph that the cause to which you have so generously devoted yourselves obtains."

J. G. W.

ELECTION IN NEW HAMPSHIRE—TRIUMPH OF THE DEMOCRATS—THE REASON.

AMESBURY, MASS., *12th of 3d mo.*, 1847.

The election in New Hampshire, which took place on the 9th instant, has, as far as I can learn, resulted in the success of the Democratic candidate for Governor; and it is more than probable that a majority of Democratic members of the Legislature are chosen. Gen. Peaslee, the Democratic candidate for Congress in district No. 2, is said to be elected.

In some respects, I regret this result; but it is not wholly unexpected. Many voted the Independent ticket last year through personal sympathy with John P. Hale, and a desire to rebuke the party which had proscribed him; and, having effected their object in his election as United States Senator, have now fallen back into their accustomed places in the ranks of the old party. The vote of the Liberty and Independent Representatives for the Whig candidate for Governor, in the House, was intelligently condemned by some and greatly misunderstood by others. The language of the Whig papers, claiming the result of last year's election as a Whig victory, and New Hampshire as a Whig State—the utter folly of the Whigs themselves, at some of their Conventions in the State, in nominating a man for the Presidency who disclaims any sympathy with the principles which they profess to hold on the subject of slavery—had a marked and unfavorable influence. The remarks of Col. Cilley, in the United States Senate, were not calculated to inspire Liberty men with confidence; and his vote with the Whigs, for the expulsion of the editor of the Union, had a tendency to alarm those who, although strongly inclined to act with the Abolitionists, were suspicions of Whig influence and policy, and prepared to believe the charges of "bargain" and "coalition" preferred by the Democratic press. The fear of "FEDERALISM" overcame the anti-slavery scruples of hundreds, and induced them to vote for the candidates of the successful party. Believing, and with good reason, that the Whig party, as a party, is as hostile to Abolitionism as the Democratic, they were told that, to vote the Independent ticket was virtually to vote for the former. I regret that they did not discriminate more clearly, and perceive that there was no necessary connection whatever between the two old parties and an anti-slavery political organization, but I am by no means surprised at their course.

One thing this election shows, I think, conclusively, viz: that, so long as the Whigs of the free States maintain their political connection with those of the slave States, they can never carry the people with them by mere professions of anti-slavery principles. More than this—these very professions, to which their practice at every Presidential election gives the lie, do more to retard the progress of liberty than the open hostility of the other party.

The Democrats have succeeded in carrying the election in New Hampshire, but, in doing this, they have been compelled themselves to do homage to the rising spirit of freedom. Let it be known throughout the country, let the South and West know, that *the now dominant party in New Hampshire stands solemnly pledged against the extension of human slavery.* This, of itself, is a great advance in the right direction; and, in the end, it will matter little to the cause of Liberty, whether a Whig or a Democrat occupies the gubernatorial chair.

J. G. W.

ROBERT OWEN ON NEW LANARK.

To the Editor of the National Era:

DEAR SIR: In your two last papers, there are paragraphs relative to a saying of Mr. Leigh Richmond, on the subject of New Lanark, that will lead the public, unacquainted with the history of that establishment, to conclude that it was unsuccessful, while perhaps there is not upon record an experiment which so far exceeded the most sanguine expectations of its author when it was commenced.

Not to take more room in your columns than you can spare, the general results shall be shortly stated.

The experiment commenced under my direction in 1799, with a population of about 1,300, most defective generally, as an inferior working class, both in industry and morals, and the establishment also requiring a thorough change and reformation. It had been managed by assistants unequal to the task, the proprietor himself, although most benevolent, unacquainted with the manufacture or the management of such an establishment, and living nearly thirty miles distant from it, having other more important business to attend to, which required all his time and attention.

To this period, the establishment had been governed upon the old notions of society then prevalent in Scotland, and nothing could be less promising of future success, which induced Mr. Dale, the former proprietor, to desire to dispose of it. The writer, for several years, had tried the government of a mixed population of 500 men, women, and children, in Manchester, England, upon principles the reverse of those acted upon in society, and the results exceeded his most sanguine expectations. He commenced the reorganization of this establishment upon the same principles, in which he was, as he anticipated, opposed by the prejudices of the managers, the people, and the neighborhood, who could not comprehend the object of the great changes which he proposed. Some of the older managers left, who were so many obstacles removed out of his way. He had to make the intemperate temperate, the dirty clean, the idle industrious, the dishonest honest, and the discontented satisfied; but, above all, he had to create a superior character for the children of the work people, as the most effectual mode of beneficially influencing the parents and permanently securing the well being of the establishment.

He reconstructed the whole machinery of the manufactories; removed old inferior dwellings for the work people, and built very superior houses for their accommodation; improved their streets, gave them gardens and pleasure grounds, to induce them to take exercise in the open air; found them with all the necessaries of life, of the best qualities, bought on a large scale, in the first markets, with money, and retailed to them at prime cost; limited their time of working to ten hours and three-quarters, when others were generally working fourteen and fifteen hours; erected an institution for the formation of a new character for the population; invented and carried to a high state of perfection the first infant school, which commenced in this building. This institution, with the addition of another, to extend the formation of character to a later period, cost ten thousand pounds sterling, including its furnishing and apparatus; and the annual expense of its management was twelve hundred pounds. These were considered by the public large expenditures and deductions from profits. With these changes, the whole establishment was renovated, and it became one of the great visiting curiosities of Scotland, for more than twenty years before the writer left it. The general results obtained by this new government, on new principles, in accordance with instead of being opposed to nature, were—

1. That the population had their characters gradually changed for them; the idle became active and industrious; the drunkard temperate; the dishonest faithful; the slovenly and dirty in their houses and habits cleanly; those previously always in debt paid their way regularly, and the general health of all as much improved as the unhealthy nature of the manufacture, under the most favorable circumstances, would permit.

2. The children, taken from their parents except at meals and at night, acquired an extraordinary new character in the new institution, when received into the infant school as soon as they could walk. There were no longer any bad children. The spirit of the institution was kindness and goodness, and all necessarily became kind and good. It was here the writer introduced first instruction by sensible signs and familiar conversation, and the absence of all punishments and unkind treatment. He had acquired the knowledge that, when children, as well as men and women, should be treated rationally, they would become rational beings; and here he was perfected by the circumstances around him in the knowledge how to manufacture the material of human nature into an inferior or superior human character, as well as the material of cotton or iron into inferior or superior fabrics or implements, and the instruction was complete for future practice.

3. Although the population was soon increased to two thousand five hundred, during thirty years, from 1799 to 1829, without applying once to a lawyer or magistrate, or inflicting one legal punishment on the population, a new character was created for all, which was allowed by visiters generally, and these exceeded two thousand annually, to be the best and happiest working population they had seen, and it long became known as the "Happy Valley."

4. The pecuniary result was, that, during these thirty years, five per cent. per annum was paid to the capitalists for their capital, and, at the end of that period, between three and four hundred thousand pounds sterling were divided among the partners, the writer being the sole resident and directing partner. The work people, who were deeply in debt when this new system commenced, besides being well lodged, fed, clothed, and the children well instructed, had saved three thousand pounds sterling in the hands of the writer, which he paid them on retiring from the establishment. It is yet going on, as nearly in the same way as the gentleman, whom the writer initiated in his situation, can conduct it, under the changing circumstances of commerce and manufactures. The writer ever has been directly opposed to the permanent continuance of the manufacturing system as now established, because he knows that it is calculated of necessity to produce the oppressors and the oppressed, and to deteriorate and degrade any population, and ultimately, if persevered in, ruin any country, however superior by nature and other circumstances.

ROBERT OWEN.

WASHINGTON CITY, *March* 15, 1847.

From the True Wesleyan.

NATIONAL ERA—THE CONSTITUTION—SLAVERY.

We regret to see the editor of the Era out in defence of the constitutionality of slavery. Really, we had supposed he had been assigned his position for a better and more noble purpose, and we are not now certain whether we were mistaken or whether he has missed his way.

He labors to prove that a Government deriving its just powers from the voluntary consent of the governed, can practice slavery. This may be true, because Governments, like individuals, may do wrong; but they cannot do it without going beyond the limits of their *legal* power. We leave the morality of the thing entirely out of the question, and take merely a legal or constitutional view of the subject. There is no portion of the people so thoroughly governed as slaves, and hence no Government sustaining slavery can derive the power to sustain slavery from the voluntary consent of the governed, unless the slaves voluntarily consent. The Government has *physical* power to support slavery, but that it has constitutional power we do not believe. We believe that the existence of slavery has been an outrage upon plain written law, ever since the Constitution was adopted.

In proof that the slave trade was practiced in accordance with English law, the following, among other things, are said:

"Besides, why was it found necessary to agitate so long and earnestly to procure a *law abolishing the slave trade* between Africa and the British dominions, if that trade was never legalized by Great Britain?"

This question may be answered by asking another. "Why was it necessary to agitate so long and earnestly to procure" the decision which was made by the Court of King's Bench in the Somerset case, in 1772, if slaveholding in England "was never legalized in Great Britain?" The answer is plain; it was because the authorities were inclined not to enforce the law. That decision did not make slavery unlawful in England; it only declared it to be unlawful; it had been unlawful ever since the granting of the great charter of English liberty, first granted by King John, and afterwards confirmed by Henry the third, his son.

Another question may serve as an answer to the one asked by the editor of the Era. "Why is it necessary to agitate so long and earnestly" in our own country, to prevent slaveholders from violating the plainest principles of the Constitution, which they perpetually do, and which all our agitation has not been able to prevent? Take one case as an illustration, viz: the controversy between Massachusetts and South Carolina. The reason is, slavery disregards the constitutional law, and so may it have been the case in England. The slave trade may have been carried on not only without law, but in violation of the great charter and common law of England, and the Throne, the Ministry, and Parliament, all disposed to wink at it, and hence the necessity of the long and earnest agitation to procure an act which should prohibit it under penal sanctions. The fact that it was practiced, and that it was difficult to procure an act from Parliament for its suppression, does not prove that it was ever legalized. We are not aware that Parliament ever enacted a law which, by any fair construction, could be regarded as legalizing the slave trade.

In proof that the colonial charters did not prohibit slavery, Dr. Bailey makes the following remark:

"As to the colonial charters, we shall say nothing about them, for we have no opportunity now to examine them. But, so far as we remember, they did not prohibit the establishment of slavery, and were not repugnant to it."

Want of information on any subject, or want of opportunity to procure information, is a bad argument to disprove what others pretend to know. What construction will be put upon such clauses as the following:

In the charter of Carolina the legislative power was thus restricted:

"*Provided, nevertheless*, That the said laws be CONSONANT TO REASON, and, as near as may be conveniently, agreeable to the laws and customs of this our kingdom of England."

Take the following from the charter of Maryland:

"So, nevertheless, that the laws aforesaid be CONSONANT TO REASON, and be not repugnant or contrary, but, so far as conveniently may be, agreeable to the laws, statutes, customs, and rights, of this our kingdom of England."

Slavery, of course, could not have legal existence under such charters, only upon the supposition that it is "consonant to reason," and we cannot envy the reasoning powers of the man who assumes this position.

BALTIMORE METHODIST EPISCOPAL CONFERENCE.

The subject of slavery has come up in this conference, only incidentally. We learn that the policy is to preclude discussion upon it as much as possible. The conference, on Monday last, refused, by a unanimous vote, to concur in the resolutions of the Erie conference, which looks to making slaveholding a bar to membership.

The following proceedings took place last Saturday, as reported in the *Baltimore Clipper:*

Everything relative to the causes which produced the "separation" is interesting; and we trust that it will not be considered improper when we state, that this morning a letter was read from (as we understood the secretary) Lancaster district, in Virginia, written by direction of a quarterly conference to the Baltimore conference, stating that they have attached themselves to the Virginia conference, and have been supplied with Southern preachers. They state that they do not charge the Baltimore conference with "abolition," but do not like the connection with those who favor that heresy, and express great love for "their fathers and brethren" of the Baltimore conference.

A resolution was submitted by the Rev. A. Griffith, to the effect that all letters and communications relating to the "so-called plan of separation," and the several divisions, especially in the Northern Neck of Virginia, be referred to a committee of —— members, to be elected by ballot, and that the committee report, &c.

The mover delivered his views. He contended that there was no "plan of separation;" that it was only "so-called," as was expressed in the resolution. Conference should take action in the premises. They found "infractions" of this "plan" by those living in the slave States, who were entrenched on free territory, &c.

The Rev. Mr. Nadall remarked that he did not wish to be unnecessarily excited. He could not forbear saying, however, that members of the conference had acknowledged that there is a plan of separation, and he hoped that they would not depart from it. He moved that the word "so-called" be stricken out. He feared these words would "give offence to our Southern brethren."

The Rev. Mr. Emory submitted a few remarks, and advocated the passage of the resolution.

The Rev. H. Slicer thought that the president could appoint a committee satisfactorily, and that there was no necessity for electing one by ballot.

Some further remarks were made, and the motion of Mr. Nadall to strike out the words "so-called" [plan of separation] was laid on the table—ayes 130, noes 45.

The resolution was modified, authorizing the appointment by the president of a committee of nine, (as we were informed by one of the preachers.) and subsequently agreed to.

LATER FROM MEXICO—TRIUMPH OF THE CHURCH.

The New York Sun has received advices from Havana to the 28th ultimo, Vera Cruz to the 8th, city of Mexico to the 5th.

The Church had triumphed. Santa Anna had yielded to its demands, and the clergy proposed a loan to the Government, of $450,000 a month. A bill, introduced in Congress at the instance of Santa Anna, to repeal the confiscation law, was expected to be passed.

The Mexican army was in great distress, and Santa Anna had commenced the work of levying supplies.

"Santa Anna had forwarded a desponding letter to the Government. He replies to the charge of apathy made against him, paints the horrible destitution of his forces, reiterates his and their protestations of valor and patriotism, and declares his readiness to retire to private life, or to go again into foreign exile, if Congress think best. If they wish him to remain at the head of the army, they know his firm resolution, which is, to meet the enemy, and to win imperishable glory for his country, by death or victory. He adds, that he is about to meet the enemy. The capture of the American detachments had roused some enthusiasm. The letter was dated 26th January. His proclamation announcing his departure from San Luis for Saltillo, dated 27th, has already been published; and it is worthy of note that it was forwarded to Tampico, without that of the 26th.

"Active preparations for defence were making at Vera Cruz, as late as the 7th. The national bridge and Point Chiquihuite are receiving formidable additions to their strength. An act passed the State Legislature, conferring all necessary power upon the Governor, in fortifying the city. We remark, however, that the rumored evacuation of Vera Cruz, announced at Tampico, may have been founded upon orders issued since the 7th ultimo."

General Rejon, the new Secretary of State, is to be the principal manager of the negotiation with this country.

FROM SANTA FE.

Correspondence of the St. Louis Republican.

SANTA FE, *Jan.* 6, 1847.

Major M. Lewis Clarke leaves this morning, with six pieces of artillery and one hundred and twenty men, to march to the support of Col. Doniphan. He will probably be able to reach El Paso by the 22d instant, which may possibly be too late to aid in the taking of the place. What Col. D.'s future movements are to be we are not positively informed. When joined by Major Clarke, his force will consist of about a thousand men, with which force it would seem to be an act of temerity to march on Chihuahua, though it is rumored that such is Col. D.'s intention.

We regret to lose from our city Capt. Weightman's company of artillery, which leaves this morning. The whole battalion of Major Clarke, officers and men, are decided favorites of the community here, in consequence of their strict discipline, and invariably gentlemanly conduct. I consider them as efficient a corps as can be found in the army.

FROM THE ARMY.

Some time during the week, a sensation was created by the report that an engagement had taken place between Santa Anna and Gen. Taylor, the latter having fallen back on Monterey. Three Mexicans, it is stated, brought the news to Tampico. They announced that Arista was severely wounded, and the Mexicans, after a hard-fought battle, were defeated. Subsequent advices, however, discredit the rumor.

For some time past I have been advised, through a channel in which I can confide, that there was a plan in progress in Mexico to make Santa Anna Dictator, with full and complete powers to make peace or war, as he deemed most expedient. My informant added, that Santa Anna would be sustained by the Church, and, having the army under his command, the revolution could be effected without bloodshed. It is supposed that our Government is acquainted with this scheme.—*New York Correspondence of Nat. Intell.*

POST OFFICE LAWS.

We shall publish in another number the new Post Office Laws. Meantime, it is important that the following provisions should be known at once:

Postages remain as they were.

It is made illegal to deposite *two letters in the same envelope or package*, directed to *different persons.* The penalty is $10, one-half to the informer. There is, however, a proviso that the law shall not apply to packages sent to foreign countries.

Newspapers not sent from the office of publication are subject to three cents postage, which must be paid in advance, or the postmaster cannot forward them. So also all handbills and circulars.

NEW HAMPSHIRE.

Here is the table of the New Hampshire Patriot (Democratic) for Governor only:

	1847.			1846.		
	Williams.	*Colby.*	*Berry.*	*Will'ms.*	*Colby.*	*Berry.*
Rockingham	4,063	3,271	1,296	3,547	2,787	1,611
Strafford	2,070	2,187	705	1,710	1,851	989
Belknap	2,046	1,116	531	1,708	771	753
Carroll	2,057	997	717	1,686	672	1,088
Merrimack	4,681	2,210	1,222	4,019	1,714	1,602
Hillsborough	5,164	3,932	1,143	4,645	3,402	1,374
Cheshire	2,253	2,735	531	2,031	2,467	492
Sullivan	1,596	1,270	532	1,504	1,120	615
Grafton	4,149	2,656	1,345	3,617	2,156	1,501
Coos	267	111	57	274	85	45
Total	28,316	20,385	8,175	24,744	17,028	10,070

Majority against Williams, 224; ditto in 1846, 5,351. Thirty-four towns to come in, (mainly in Coos,) which last year gave Williams 2,261, Colby 629, Berry 425. Should they do the same this year, Williams will have 983 majority in the State.

To the Senate, six Democrats and three Whigs are chosen, and perhaps one more of each party; to the Council, one Whig, and probably four Democrats.

The Patriot thinks the House will stand, 150 Administration, 134 "Allied," when the returns are all in.

For Congress, the Patriot states the plurality of Moulton and Jenness over Wilson and Goodwin at 700 each, but admits that the first lacks 800 and the second 1,200 of an election.

UNFAVORABLE COMMENCEMENT OF LORD ELGIN'S ADMINISTRATION—RENEWAL OF OUTRAGES IN CANADA.

The spring election for charter officers commenced in Montreal on the 1st instant, and riot ruled rampant in that city as usual. The *Minerve* newspaper of that day says:

"As early as Friday and Saturday last, armed bodies overran the streets, yelling vociferously. At an early hour this morning, a mob of most forbidding mien, mostly in rags, among whom were several 'gentlemen' disguised, seized on the carts of the cartmen, and rushed through the streets, screeching and groaning, and proceeded to the different polls where our (the Liberal) candidates were in majority, took forcible possession of the registers, and tore them into pieces. Toward noon, the infuriated band arrived at one of the polls of the East Ward, where N. Dumas, Esq., presided. The votes were taken in the weigh house of Bonsecours market. The rioters laid hold of the fifty-two pound weights, with which they burst in the door. One of them then presented a pistol to Mr. Dumas's breast, and demanded the books. They were told that Mr. Orr, the 'Constitutional' candidate, was in majority. Thereupon they retired, but soon learning the contrary, and that the Liberals were ahead, they returned to the number of five hundred, laid hands on a book, and tore it in pieces. Fortunately, it was the list of those having the right to vote, and not the poll book. The appearance of these riotous ruffians prevented many peaceable citizens from voting.

"The troops were called out in various election districts, but the voters had not much confidence in such protection. Toward four o'clock, the 'Constitutional' allies made a final onset at the polls of the East Ward. They attacked numbers of citizens, and destroyed much property. The stores were obliged to be closed. The officer commanding the troops had previously dismissed his men 'because there was no riot.' A few minutes afterward, the marauders arrived, and riot ruled rampant!"

THE FUGITIVE SLAVE CASE.

The decision of the court in this case is thus stated in the National Intelligencer:

Wharton Jones, plaintiff, *vs. John Van Zandt*—on a certificate of division in opinion between the judges of the circuit court of the United States for Ohio. Mr. Justice Woodbury delivered the opinion of this court, that under the 4th section of the act of 12th February, 1793, respecting fugitives from justice, and persons escaping from the service of their masters, on a charge for harboring and concealing fugitives from labor, that notice in writing by the claimant or his agent, or general notice to the public in a newspaper, is not necessary; that clear proof of the knowledge of the defendant that he knew the colored person was a slave and fugitive from labor is sufficient to charge him with notice; that a claim of the fugitive from labor need not precede or accompany the notice; that any overt act so marked in its character as to show an intention to elude the vigilance of the master or his agent, and is calculated to attain such an object, is a harboring of the fugitive within the statute; and that the said act of Congress of 12th February, 1793, is not repugnant either to the Constitution of the United States, or to the ordinance of Congress, adopted July, 1787, "for the government of the Territory of the United States northwest of the river Ohio."

The Legislature of Maryland adjourned last Thursday morning, after a session of 73 days, and the passage of 365 laws. The bill to prohibit the arrest and imprisonment of non-residents of Maryland, on coming into the State, for debts contracted beyond its limits, was passed.

On a recent visit to Philadelphia, we put up at the FRANKLIN HOUSE. We found it a spacious, well-arranged, well-furnished, and well-kept house. Our old friend D. K. MINOR, the proprietor, spares no pains to please his guests. See his card. N.

The Boston Relief Committee have accepted the offer of Capt. R. B. Forbes to convey their contributions to Ireland with the United States ship *Jamestown*. At the suggestion of Capt. Forbes, the Boston Committee have authorized the ship to be victualled and manned, out of the charitable contributions given to buy bread for the starving people of Ireland.

ANOTHER MAJOR GENERAL DECLINED.—The Savannah Republican learns, on good authority, that Col. Cumming has declined accepting the appointment of major general, conferred upon him by the President. The reasons, says the Republican, that have prompted Col. C. are, as we understand them, in keeping with the other acts of his public career, and reflect singular honor upon him.

Reported for the National Era.

BRIEF NOTICES OF CASES

ARGUED AND DECIDED IN THE

SUPREME COURT OF THE UNITED STATES.

JANUARY TERM, 1847.

TUESDAY, MARCH 2, 1847.

No. 134.

MINERS' BANK OF DUBUQUE *against* THE UNITED STATES.

In error to the Supreme Court of Iowa Territory. Mr. Chief Justice TANEY delivered the opinion of the Court, dismissing the case for want of jurisdiction.

No. 141.

UNITED STATES, *Plaintiff*; E. BRIGGS, *Defendant.*

On a certificate of division of opinion from the Circuit Court of the United States for Michigan. Mr. Chief Justice TANEY delivered the opinion of the Court, dismissing and remanding the case, because no point within the meaning of the act of Congress was certified.

No. 101.

J. C. SHEPPERD *against* JOHN WILSON.

Mr. Chief Justice TANEY delivered the opinion of the Court, overruling the motion to dismiss this case.

No. 40.

THE DE SOTO AND LUDA CASE.

N. S. WARING ET AL., *Appellants*; THOMAS CLARKE ET AL., *Respondents.*

Appeal from the Circuit Court of the United States for Louisiana. Mr. Justice WAYNE delivered the opinion of the Court, affirming the decree of the Circuit Court, with costs and damages at six per cent. per annum. In this opinion is discussed the question of admiralty jurisdiction, so far as it is brought up by the facts in this case; and it is held that the admiralty jurisdiction in force at the time of the adoption of the Constitution, is not the admiralty jurisdiction now in force within the United States; and that the admiralty jurisdiction in the United States extends to all cases, &c., within the ebb and flow of the tide. Mr. Chief Justice TANEY and Mr. Justice WOODBURY dissenting. Mr. Justice GRIER also dissenting.

No. 27.

THE LEXINGTON CASE.

Mr. Justice MCLEAN gave notice that, in consequence of the indisposition of the Chief Justice and the absence of one of the Associate Justices, the Court had directed a continuance and a re-argument of this case on the second Monday of December next.

THURSDAY, MARCH 4, 1847.

No. 15.

JOHN SCOTT ET AL., *Plaintiffs in Error*; DETROIT YOUNG MEN'S SOCIETY, *Defendants in Error.*

In error to Supreme Court of Michigan. Mr. Justice WOODBURY delivered the opinion of the Court, dismissing the case for want of jurisdiction, and holding that the admission of new States is a question for the decision of the legislative and political, not the judicial power. Mr. Justice MCLEAN dissenting, and holding that the time of the admission of new States is a question of law. Mr. Justice DANIEL also dissenting.

FRIDAY, MARCH 5, 1847.

THE GAINES CASE.

Mr. Justice WAYNE announced that the Justices who sat in this case would take it under advisement, and that the counsel might, if they saw proper, indicate to the Court such points in the record as bore upon the question of Mrs. Gaines's heirship.

No. 16.

COMMERCIAL BANK OF CINCINNATI, *Plaintiffs in Error*; EUNICE BUCKINGHAM'S EXECUTORS, *Defendants in Error.*

In error to the Supreme Court of Ohio. Mr. Justice GRIER delivered the opinion of the Court, dismissing the writ of error for want of jurisdiction.

SATURDAY, MARCH 6, 1847.

THE TEMPERANCE CASES.

No. 11.

SAMUEL THURSTON *against* THE COMMONWEALTH OF MASSACHUSETTS.

In error to the Supreme Court of Massachusetts.

No. 14.

ANDREW PIERCE ET AL. *against* THE STATE OF NEW HAMPSHIRE.

In error to the Supreme Court of New Hampshire.

No. 100.

JOEL FLETCHER *against* STATE OF RHODE ISLAND.

In error to the Supreme Court of Rhode Island.

The judgments in these cases were affirmed with costs. Opinions delivered by Mr. Chief Justice TANEY, Mr. Justice MCLEAN, Mr. Justice CATRON, Mr. Justice DANIEL, Mr. Justice WOODBURY, and Mr. Justice GRIER.

No. 60.

THE FLORIDA CASE.

L. CURTIS ET AL., *Appellants*; J. J. INERARITY, *Respondent.*

Mr. Justice MCLEAN gave notice that the Court would take this case under advisement.

The Court was then adjourned to the time and place appointed by law.

For the National Era.

CROPS OF THE UNITED STATES.

An estimate of the quantity of each of the following staples, raised in the United States, during the year 1846, with the value of each production, according to the prices they bore in the New York market on the 1st of December last, viz:

Cotton, 760,000,000 pounds, worth	- $73,150,000
Oats, 179,528,800 bushels, worth	- 69,567,410
Rice, 97,741,500 pounds, worth	- 3,786,483
Barley, 5,676,000 bushels, worth	- 3,131,343
Rye, 29,892,500 bushels, worth	- 23,465,612
Wheat, 117,202,800 bushels, worth	- 121,011,891
Indian corn, 459,666,900 bush., worth	314,871,826

[Taken from the Secretary of the Treasury's letter to Congress, on the finances, December 10, 1846—Pub. Doc. No. 7, page 47.]

"The hog crop of the United States, this year, is three times the worth of the cotton crop. The standing army of swine consume annually two hundred million bushels of corn."—[*Philadelphia United States Gazette, February* 5, 1847, *page* 1, *column* 5th.]

W. G.

From the Baltimore Patriot.

THE MARKETS.

BALTIMORE, *March* 16, 2 P. M.

Flour.—There is more firmness in the flour market to-day. A sale of 200 barrels Howard street brands, at $5.88. Holders are generally asking $5.88, and some unwilling to take less than $6. Corn meal at $4.38, which is the present price.

Grain.—The receipts of wheat are small. We note small sales of good to prime red wheat at 118 a 125 cents, and ordinary to good at 110 a 118 cents. Sales of white corn at 72 a 73 cents, and of yellow at 77 a 78 cents; oats, 45 a 47 cents; rye, 85 cents; clover seed, $5.12 to $5.37.

Provisions.—Mess pork at $15.50 a $16. Sales of 120,000 pounds sides, in dry salt, at 8 3-8 cents; of 50,000 pounds hams, in pickle, at 8 3-8 cents. Mess beef, $12.50 a $13; No. 1 at $10.50 a $11; and prime at $8.50 a $9. Sales of No. 1 at $10.50, cash. We quote Western bacon at 7 3-4 a 8 cents for shoulders, 8 3-4 a 9 cents for sides, and 9 1-2 a 10 cents for hams. In lard, nothing of note has taken place. The last sales were at 10 cents for kegs.

Beef Cattle.—There were 450 head of beeves offered at the scales on Monday, of which 50 were driven to New York, 20 to Washington, and the balance (380 head) were purchased by city butchers at $3 a $4 per 100 pounds on the hoof, equal to $6 a $7.75 net, and averaging $3.62, showing an improvement of 6 1-4 cents over that of the previous week.

Hogs.—We quote live hogs at $6.50 a $6.62, and moderate supply, with fair demand.

PHILADELPHIA, *March* 14, P. M.

Business was very dull on 'change, and little or nothing has transpired. Flour was offered at $5.75, but no sales of any amount made public. A sale of 500 barrels corn meal is reported at $4.37. Grain of all kinds inactive. Pennsylvania corn is held at 80 a 85 cents. Clover seed without demand at $5. Southern oats would bring 41 cents.

NEW YORK, *March* 15, 2 1-2 P. M.

Flour.—Shippers are willing to give $7 for Genesee. Some 5,000 barrels Southern flour have been taken for shipment, for want of Western, p. n. t. 2,000 barrels on shipboard for Liverpool, at 6s. freight, sold at $6.75. 1,000 barrels Genesee flour, May 15, at $6, 1,000 do. op. North river, at $6.75.

Corn.—8,000 bushels Northern, one week after river, at 88 cents.

THE FRANKLIN HOUSE, *No.* 105 *Chestnut street, between Third and Fourth, Philadelphia.*
D. K. MINOR, of New York, Proprietor.
JAS. M. SANDERSON, of Phila., } Assistants.
March 18. GEO. P. BURNHAM, of Boston, }

MORRIS HOUSE, *Temperance Hotel*, 188 *Chestnut st., south side, between Seventh and Eighth streets, Philadelphia.* This establishment offers accommodations for Ladies and Gentlemen who are friends of the cause of Temperance, and like to feel the same quiet when abroad as at home. Travellers accommodated for a single night, and breakfast in time for the morning lines, at moderate charges. Transient board at $1.25 per day. Warm and cold baths in the house.
☞ Sons of Temperance can obtain all the information they may require, at the Morris House, respecting the meetings of the Divisions in Philadelphia.
March 11.—2m T. FLETCHER, Proprietor.

JOHN JOLLIFFE, *Attorney and Counsellor at Law.* Office on the east side of Main, between Third and Fourth streets, Cincinnati, Ohio. Collections carefully attended to.
Refer to Thomas H. Minor, Dr. G. Bailey, Neff & Brothers, T. Kirby, Esq., Blachly & Simpson, C. Donaldson & Co., Cincinnati; Hon. J. W. Price, Hon. J. J. McDowell, Hillsborough, Ohio; A. W. Fagin, St. Louis; J. J. Coombs, Gallipolis; N. Barrier, Esq., West Union, Ohio; Dr. A. Brower, Lawrenceburg, Indiana; S. Galloway, Columbus, Ohio; Col. J. Taylor, Newport, Kentucky; Gen. R. Collins, Maysville, Kentucky.
Jan. 7.

WORTHINGTON G. SNETHEN, (late Solicitor of the General Land Office,) *Attorney and Counsellor at Law*, Washington, D. C., practices in the Supreme Court of the United States, and in the courts of Maryland, Virginia, and the District of Columbia; and acts as Agent for persons having business with Congress, the War, Treasury, Navy, and General Post Office Departments, the General Land Office, Pension Office, Office of Indian Affairs, Patent Office, &c.
Feb. 11.—4t

WILLIAM B. JARVIS, Jun., *Attorney and Counsellor at Law*, Columbus, Ohio. Office two doors north of American Hotel.
Business connected with the profession, of all kinds, punctually attended to. Jan. 28.

SPENCER & NORTH, *Attorneys and Counsellors at Law*, Syracuse, New York.
Office, Standard Buildings. ISRAEL S. SPENCER.
Jan. 28.—tf JOHN W. NORTH.

W. H. PETTIT, Attorney and Counsellor at Law, and Solicitor and Counsellor in Chancery, and General Land Agent, Milwaukie, Wisconsin.
☞ All professional business promptly attended to.
Feb. 4.—6t*

STANLEY MATTHEWS, *Attorney and Counsellor at Law*, Cincinnati. Office on Main street, below Columbia, over the office of the Washington Insurance Co. Jan. 7.

BIGELOW & PEUGH, General Agents for the recovery of Claims before Congress and the Executive Departments; also, for procuring Patents for new inventions.
Office, corner of E and Seventh streets, Washington, D. C.
Jan. 7.

LINE OF PACKETS BETWEEN PHILADELPHIA AND LIVERPOOL.—To sail from Philadelphia the 25th of every month, and from Liverpool the 12th of every month.
From Philadelphia to Liverpool.
Thomas P. Cope, Capt. F. H. Miercken—February 25, June 25, October 25.
Saranak, (new,) Capt. E. Turley—March 25, July 25, November 25.
Susquehanna, Capt. A. Turley—April 25, August 25, December 25.
Wyoming, (new,) Capt. J. W. Miercken—May 25, September 25, January 25.
From Liverpool to Philadelphia.
Saranak, (new,) Capt. E. Turley—January 12, May 12, September 12.
Susquehanna, Capt. A. Turley—February 12, June 12, October 12.
Wyoming, (new,) Capt. J. W. Miercken—March 12, July 12, November 12.
Thomas P. Cope, Capt. H. F. Miercken—April 12, August 12, December 12.
☞ These are first class Philadelphia built ships, having spacious and elegant cabins, and combining every quality to render them safe and expeditious conveyances. They are abundantly supplied with stores of the best kind, and sail punctually, taking advantage of the tow and ice boats on the Delaware.
Passage to Liverpool, $80; to Philadelphia, £20—without wines. H. & A. COPE & CO., Philadelphia.
Jan. 7. BROWN, SHIPLEY & CO., Liverpool.

PLUMBOTYPES.—Concert Hall, Pennsylvania Avenue Washington City, near Brown's Hotel.
Gold Medal awarded.—The proprietor of the Plumbe National Daguerrean Gallery, having discovered a mode of transferring Daguerreotype to paper, is now prepared to execute this new style of portraiture at the rate of 100 fac simile copies for ten dollars, including the original Daguerreotype.
205 Baltimore street, Baltimore, adjoining Campbell's Jewelry store.
251 Broadway, New York.
Boston, 75 Court and 58 Hanover streets.
136 Chesnut street, Philadelphia.
☞ Instruction and apparatus furnished on reasonable terms. Jan. 7.

THE NATIONAL ERA.

Reported for the National Era.

BRIEF NOTICES OF CASES
ARGUED AND DECIDED IN THE
SUPREME COURT OF THE UNITED STATES.

JANUARY TERM, 1847.

THE FALSE COIN CASE.

MALINDA FOX, *Plaintiff in Error;* THE STATE OF OHIO, *Defendant in Error.*

Mr. CONVERS, *for the Plaintiff in Error.*

Malinda Fox was indicted in the court of common pleas in Ohio, for passing counterfeit current coin, convicted of the alleged offence, and sentenced to imprisonment in the penitentiary of that State. The case was carried to the supreme court of Ohio, in bank, and the judgment of the court below affirmed. It was then brought up here on a writ of error, to test the validity of the law of the State of Ohio, to provide for the punishment of passing counterfeit coin of the United States.

The Constitution vests in Congress the power to coin money, to regulate the value thereof, and of foreign coin, and to provide for punishing the counterfeiting of the current coin of the United States. It further vests the judicial power of the United States in such courts as Congress shall ordain and establish, and extends the judicial power to all cases in law arising under the Constitution and laws of the United States, and to controversies to which the United States shall be a party. Taking these provisions of the Constitution in connection, it is evident that the General Government, and not the States, has entire jurisdiction legislatively and judicially over the subject of the coin of the United States.

But it is nevertheless urged that the States have the power to punish the uttering of false coin, because in that clause in the Constitution which prohibits the States from coining money there is no prohibition against their making laws to punish the passing of counterfeit current coin. This argument has no foundation. There is a number of exclusive powers conferred by the Constitution upon Congress; such as the power to lay impost duties, to regulate commerce, &c.; and yet the States are forbidden from exercising those powers, though there is no express prohibition to that effect in the Constitution. The reason of the exclusion of the States from the exercise of these powers, without an express prohibition to that effect, is found in the consideration that they are exclusive powers, and their exercise by the States would be incompatible with the grant of supremacy to Congress.

That the powers granted to Congress over the coin are supreme and exclusive, a consideration of the object to be effected by the grant of those and kindred powers, will fully prove. *Noscitur a sociis.* Uniformity in the high powers of Government is the great object of all government; and it is evident that uniformity in their exercise cannot be attained, unless they be conferred upon the Government supremely and exclusively.

Congress, in the 11th section of the Judiciary act of 1789, conferred upon the circuit courts exclusive cognizance of all crimes and offences cognizable under the authority of the United States, except where that act otherwise provided, or the laws of the United States should otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. Under this provision, the case before the court was properly cognizable by the circuit court of the United States. But the defendant in error relies upon the saving section of the act of Congress of March 2d, 1825, for the power which the State of Ohio claims over the offences against the coin made punishable by that act. Section 26th of that law enacts that nothing in that act (March 2d, 1825) shall be construed to deprive the courts of the individual States of jurisdiction under the laws of the several States over offences made punishable by that act.

The Judiciary act expressly confers on the circuit courts exclusive cognizance of all crimes, &c., except where that act otherwise provides, or where the laws of the United States shall otherwise direct. Now, the Judiciary act does not make any provision contrary to this express enactment, giving the circuit court exclusive jurisdiction over crimes, &c.; and there is no law of the United States which directs that the States shall have power to pass laws for the punishment of the offence of counterfeiting the current coin of the United States, in any of its varieties. How, then, can it be insisted, that the power of the State of Ohio to pass the law under which the plaintiff in error has been convicted of passing counterfeit coin, can be derived from the 26th section of the act of 1825? That section confers no such power directly; it only saves to the States such powers in the premises as they have not granted to Congress. It is the same as if it had said, that nothing in the act of 1825 shall be construed to deprive the courts of the individual States of jurisdiction, under *such laws of the several States as they possess the power to pass*, over offences made punishable by that act.

But even if Congress designed, by the 26th section of the act of 1825, to confer upon the States the power to pass laws for the punishment of offences against the current coin of the United States, it had no power to do so. This has been decided again and again, where Congress has attempted to transfer to the State courts the express power of trying certain crimes for offences against the laws of the United States, and prosecuting for penalties incurred by the violation of those laws. Much more do these decisions bear against the construction of the 26th section of the law of 1825, that the States and Congress have concurrent power over a subject that the Constitution has exclusively confided to the General Government.—17 *Johnson*, p. 41; *Virginia Cases*, p. 321; 2 *Virginia Cases*, p. 34; 1 *Dana*, p. 442; 7 *Connect.*, p. 240; *S. C. Law Rep.*, p. 300, *&c.*

These authorities all go to prove that neither the legislative nor judicial power of Congress is an assignable commodity; that Congress has no power to transfer its exclusive powers over any subject to the States, for any purpose whatever.

There was no such thing as United States coin before the adoption of the Constitution. The States had their own coins; consequently, the power of the States over the coins of the United States, now sought to be established, is not a reserved power, for it had no existence prior to the Constitution. They granted to Congress all their power over their own coins; and it was after this grant that the coins of the United States came into existence. The coin of the United States is a creation of the Constitution. An offence against the coin of the United States is therefore an offence against the United States; not against the States, for they have no coin, and have parted with all power over their own coin to the United States, by express grant, in the Constitution.

But if it should be decided that the States have concurrent power over the coin of the United States with the General Government, a necessary conflict will ensue between the courts of the United States and the courts of the States, in prosecuting for offences against the coin of the United States. Shall a prosecution and a conviction for an offence against the coin of the United States, in a State court, be a bar against a process for the same offence in the Federal courts? And in case of conviction in a State court, to whom is the convict to look for the exercise of the Executive clemency? Who shall interpose between the strifes engendered by such a system of concurrent jurisdictions? If, on the contrary, it be held that a conviction for an offence against the coin of the United States in a State court is not a bar against process for the same offence in a Federal court, what becomes of that provision in the Constitution that declares that a person shall not be put twice in jeopardy of life or limb for the same offence?—2 *Virginia Cases*, p. 139; 2 *Tyler*, p. 387; 5 *Wheaton*, p. 1; *Antonio's Case in S. Car. Rep.*; 7 *Connect. Rep.*, p. 54; 1 *Green's N. Jersey Rep.*, p. 362.

Congress, it is repeated, has no right to transfer to another party that which the Constitution has granted it. This has recently been ably sustained in a decision of a State court on a case very nearly similar to this.—*3d vol. Missouri Rep.*, p. 421.

Mr. STANSBERRY, *for the Defendant in Error.*

The offence charged in the indictment is not an offence against any of the laws of the United States If the court should be of a different opinion, then it is contended that the power of punishing for the offence of uttering false coin does not belong to Congress; that it is not given to it by the Constitution. And if the court should be against us on this point too, then it is submitted that the jurisdiction of the States over the offence for which the plaintiff in error has been convicted is concurrent with that of the United States.

The offence of uttering or passing counterfeit coin is not an offence against any of the laws of the United States, because the Constitution does not grant to Congress the power over this offence. It says that Congress shall have power to provide for the punishment of *counterfeiting* the current coin of the United States. At the formation of the Constitution, the term *counterfeiting* had a known and definite signification. For a hundred years previous to 1789, the crime of *counterfeiting* was ranked as high treason in England, and punishable as such; while the crime of *uttering* or *passing* counterfeit coin was ranked as a high misdemeanor, and punishable as such. The crimes were different, and the punishments different.—1 *East. Pleas of the Crown*, p. 162; 1 *Hale's P. C.*, p. 211, 222; 1 *Hawkins's P. C.*, p. 20.

The framers of the Constitution, it is fairly presumable, therefore, acted on the well-known definition of the crime of *counterfeiting;* and, by confining the power of Congress to the punishment of offences against counterfeiting, intended to leave with the States the power to punish the crime of *uttering* counterfeit coin. In their view, counterfeiting the coin referred to debasing the coin, not to uttering false coin. And it has been held by the courts, that the power to punish offences against the coin of the United was not divested out of the original States by the grant to the United States.—2 *Bailey's S. Car. Rep.*, p. 46; 3 *Wheeler's S. Car. Crim. Ca.*, p. 515.

The power of the States over offences against the coin of the United States is now, for the first time, questioned in this court. The States have been in the exercise of it for fifty years, and no inconvenience has resulted. The States have never parted with the power of protecting themselves against the crime of uttering false coin. They cannot part with it. It is necessary to the preservation of the body politic from evils which no vigilance of the General Government could possibly reach.

It is a question of criminal jurisdiction within the body of a State, cognizable by the inherent power of the courts thereof, according to the common law. This power was never surrendered to the Federal Government or to the Federal courts. But if this power was surrendered to the Federal courts, where is the proof? It is not to be found in the Constitution in express terms. The States are not prohibited by the Constitution, in express words, from exercising this power. And its exercise by a State is not totally and absolutely repugnant to the powers granted to the Federal Government.—*32d No. of Federalist.*

It is urged, that the jurisdiction of the State courts over offences against the coin of the United States brings the State courts and the Federal courts into collision, because an offender is liable to be tried twice for the same offence, contrary to the Constitution. There are two systems of laws in force in the United States; and the necessary result is, liability to their penalties and provisions. A civil officer of the United States is liable to the laws of the United States for impeachment and loss of office, and at the same time to the civil or criminal laws of the State in which he resides, according to the nature of his offence. There is no collision here. A soldier of the United States, marching through the body of a State, if he commits murder, is triable and punishable for murder by the laws of the State in which the murder is committed, and at the same time is triable and punishable by a military court martial for the offence, under the laws of the United States. There is no collision here.—17 *Mass.*, p. 515; 5 *Wheaton*, p. 31.

The saving clause in the 26th section of the act of Congress of 1825 may be regarded as an exposition of the opinion of Congress in favor of the possession by the States of at least concurrent criminal jurisdiction, and it is found in all the laws of the United States providing for the punishment of crime.

The court adjourned till to-morrow.

MONDAY, FEBRUARY 22, 1847.

Mr. Justice NELSON delivered the opinion of the court in the case of *Malinda Fox* against the *State of Ohio*, affirming the decision of the court below against the plaintiff in error, and establishing the right of a State to pass laws to provide for the punishment of *uttering* false coin within its limits. The points taken were: that the power given by the Constitution to the General Government to punish the counterfeiting of the current coin is a limited power, and must be confined strictly to the punishment of the crime of *creating* false coin; that the Constitution is not intended to set limits to the powers of the States, but to the powers of the Federal Government; that the power to punish all other offences against the current coin, except the offence of counterfeiting it, not having been divested out of the States, remains with the States; and that, therefore, the law of the State of Ohio, under which the plaintiff in error was convicted, and is now enduring punishment, is not in violation of the Constitution of the United States or of any law passed by Congress.—7 *Peters*, 243.

Mr. Justice McLEAN dissenting.

THURSDAY, MARCH 4, 1847.

RECLAMATION OF FUGITIVES FROM SERVICE.

THE VAN ZANDT CASE.

No. 37.

WHARTON JONES, *Plaintiff;* JOHN VAN ZANDT, *Defendant.*

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for Ohio.

Mr. Justice WOODBURY delivered the opinion of the Court:

That, under the 4th section of the act of the 12th of February, 1793, respecting fugitives from justice and persons escaping from the service of their masters, on a charge for harboring and concealing fugitives from labor, the notice in writing, by the claimant or his agent in general, to the public, in a newspaper, is not necessary; that clear proof of the knowledge of the defendant that he knew the colored person was a slave and fugitive from labor, is sufficient to charge him with notice; that a claim of the fugitive from labor need not precede or accompany the notice; that any overt act, so marked in its character as to show an intention to elude the vigilance of the master or his agent, and is calculated to attain such object, is harboring of the fugitive within the statute; and that the said act of Congress of 12th of February, 1793, is not repugnant either to the Constitution of the United States or to the ordinance of Congress, adopted July 13, 1787, "for the government of the territory of the United States northwest of the river Ohio."

The arguments of counsel for defendant were submitted to the court, in printed form, by Mr. W. H. SEWARD and Mr. S. P. CHASE. An abstract of Mr. SEWARD'S argument is presented in this number of the "National Era." It will be followed by an abstract of Mr. CHASE'S argument, and by the OPINION of the court at length.

Mr. W. H. SEWARD, *for the Defendant.*

The defendant moved in the court below for a new trial, on the ground of erroneous instructions given to the jury, and in arrest of judgment, on the ground of the insufficiency of the declaration.

On hearing these motions, the court below required instructions from this tribunal upon fourteen questions—eight on the first motion, and six on the last.

The declaration is insufficient, because neither count sufficiently charges to the defendant notice that Andrew was a fugitive from labor. Mr. Justice McLean, in the court below, held that positive, direct, and formal notice was not necessary; that knowledge possessed by the defendant, however obtained, was equivalent to or a substitute for such notice. This construction of the statute of 1793 is necessary to support the declaration, but it relieves this penal law against liberty and humanity of an express condition. What is that condition? *After notice.* The punishment is not the payment of $500 for merely harboring or concealing a fugitive, even though such harboring or concealing be done knowingly and willingly; but it is for harboring or concealing the fugitive *after* notice that the master forbids. The expression, *after notice*, contrasts with the terms, *knowingly and willingly*, in another part of the law. It is not *with* notice, but *after* notice. The notice is a condition precedent, and must be explicit, certain, direct, and comprehensive. No such notice is averred.

Mr. Justice McLean held also, as a general principle, that the law, when it speaks of notice, does not contemplate notice in writing, unless required by statute, commercial usage, &c., and that knowledge is equivalent to notice. These principles are never applied to construing penal statutes. Legal conditions cannot be waived, when they are barriers erected for the protection of the accused. Harboring and concealing a weary and fainting slave, though known as a slave, is not injurious, and does not disturb society. It only becomes an offence under the law of 1793, when persisted in *after* notice. The Constitution provides for the surrender of fugitives only when claimed, and the law of 1793 forbids the freeman to harbor the slave only *after* notice of a purpose to reclaim. The construction of the judge below makes Congress interdict protection and hospitality to the slave whom no master pursueth. This would be injurious to the master as well as inhuman to the slave. If the slave be harbored and concealed, he will be in a condition to be reclaimed; if not, if he be left to die, his services will be lost to the master.

But the principle that mere knowledge, however acquired, is equivalent to direct notice, is not as general, even in commercial law, as is supposed. Where it is necessary to charge a party, notice must be fully averred.—Gould's Pleadings, ch. 4, § 13 to 16; Douglass, p. 683; Comyn's Digest Pleader, pp. 69—76.

This action is founded upon a statute. There is an inflexible rule, that in such a case the plaintiff must aver every fact essential to the offence. The defendant may innocently harbor a slave until *after* notice. That notice must be given by him who seeks to subject the defendant to the penalty of the law. This action is founded on a contract created by law, and must be performed by the plaintiff, and no one else. The act must be done, because it is a condition precedent.

Again: the present case is similar to one where a previous special request is made a condition to liability. It must be averred with particularity. Issue may be taken on it, and it must be proved as charged.—Comyn's Dig., Condition, 10, 11; Dana's Abridg. Plead., ch. 177, art. 1, § 2 and 3, and vol. 6, p. 26.

It is true, it is averred in the second count, that the defendant *had* notice that Andrew was a slave of the plaintiff and a fugitive from labor; but this alleged notice is general and vague, and it is not shown how, when, where, or by whom, it was given. So vague an averment is as bad as no averment.

The Constitution says that the fugitive from labor shall be delivered up, *on claim* of the party to whom such labor may be due. The law of 1793 says, that when any one shall harbor or conceal the fugitive from labor, *after* notice that such person was a fugitive from labor, shall pay and forfeit, &c. Here the *claim* of the Constitution and the *notice* of the law are identical, but the declaration dispenses with both claim and notice. It is silent throughout as to a *claim* which is rendered indispensable by the Constitution, and besides is erroneous in showing facts which are irrelevant. The person to whom harborage and concealment are denied is a fugitive who is held to labor in Kentucky, under the laws thereof, and who has escaped into Ohio. No such person is described in the declaration. The averments, if designed to show that Andrew was held to labor to the plaintiff, under the laws of Kentucky, are bad, because they are argumentative. Facts must be stated in pleading, not argued. The allegations that Andrew was a slave, was property, and was possessed by the plaintiff, constitute an argument; and it is a bad argument, because it proceeds upon the ground that all slavery is lawful. But slavery is a condition that may be by law or without law. It is the subjugation of one person to the power of another, and deprives him of all rights whatever. A person deprived of his liberty by the operation of law is a slave, a mere slave; and yet he may not be held to labor to any person by the laws. Property and possession are predicated as incidents to the relation of master and slave; but the terms have no foundation in law, and are essentially false. To aver that Andrew was the property of the plaintiff, and in the possession of the plaintiff, contradicts the proposition that Andrew was held to labor by law. Slaves can make no contracts. They are held by force, and can assume no obligations. None but a reasoning, moral, accountable being can be held to labor by *law*. Hence the Constitution and the law of 1793 speak of *persons;* for *persons*, and not *things*, can be held by force of legal obligation. Slavery obliges us to subvert the principles of justice, and to confound the broadest distinctions in nature. The right of individual property is derived from the consent of the Creator, when he gave to man *dominion* over the earth; but man was excepted from that gift. He could not be reduced into the possession of his fellow-man; for the mind, the soul, the heart, the affections of man are independent of all human power.

Striking out of the declaration, then, all the averments of possession and property, the obligation of Andrew to labor by law will rest upon the proposition that he was the plaintiff's slave. Can the court infer from the fact that he was a slave, that he was held to labor in Kentucky? Surely not; for he might be a lawful slave in Kentucky, and yet be held by no obligation to labor. He might be held to labor there, and yet not be a slave. A legal obligation to labor is supposed to be a consequence of slavery, if tolerated by law; but a slight examination of the subject will show that such obligation is not the indispensable attribute of that relation. The Princes of India, the barbarous African chiefs, and the Indian warriors, are all slaveholders; but they distinguish between the subject of menial servitude, and the heroic prisoner who is detained in bondage for a ransom, a hostage, or a sacrifice.

But the declaration says that Andrew was held to labor. Now, the fugitive who shall not be harbored must be a person who is held to labor by virtue of the municipal law for another person, and who, escaping from his servitude, may be seized or arrested. This part of the Constitution and the statute was framed in derogation of natural and social rights. The lawful presumption, therefore, in favor of every man in the Union, and even of this unhappy Andrew, is, that he is free from legal obligations of menial servitude. The right in every social state to give shelter, comfort, and sustenance, to the fugitive, is sustained by Divine law; and the act of 1793, in forbidding hospitalities to a class excepted from the rest of mankind, is in derogation of the rights of citizenship. Therefore, a law that does such things must be construed strictly. The plaintiff, who complains that his debtor has been wrongfully harbored, must show that he was held to labor under the laws of the State from which he has fled, and, when demanding the penalty for forbidden charity, must show that the offender had notice that the guest was held contrary to law. This declaration shows no such state of things. It charges that the fugitive was held to labor by the laws of Kentucky, but does not show by what laws he was so held; how, when, or by whom they were enacted; how the fugitive came to incur these penalties; what was the nature of the labor to be performed, or its duration; or before what court or tribunal he was tried and condemned. By the laws of Kentucky, a debtor is held to perform a decree of its courts. In an action on such a decree, would a declaration be sustained which charged merely that the defendant was held to perform a decree in favor of the plaintiff, without showing either the statute, the jurisdiction of the court, the cause of action, or the substance of the judgment?

Again: the act describes the fugitive as "one who shall escape into any other of the said States." The declaration describes him as one "who unlawfully, wrongfully, and unjustly, &c., departed and went away from out of the service of the plaintiff in Kentucky, and came to the defendant in Ohio," &c. These words are insufficient to describe the act mentioned in the statute. It is not enough that he "departed and went away" out of the plaintiff's service, nor yet that his departure was unlawful, &c. All this might be true, and yet there be no escape. There can be no escape where there is no duress, no watch, no flight, no pursuit, no effort at recapture. An escape from one State into another must be a continuous act.

From these considerations, it is urged that Andrew is not described in the declaration as a fugitive from labor, as required by the law of 1793; and this being so, even if the defendant had notice of what is averred in the declaration, he had not sufficient legal notice that the recipient of his charity was a fugitive from labor within the letter of the law.

Further: the declaration does not sufficiently show that the alleged fugitive was harbored or concealed by the defendant. The averments are vague. Where harborage and concealment are converted by a statute into crimes, the circumstances which make up the criminality must be shown, to enable the court to determine whether those crimes have been committed. A magistrate could not grant a warrant on a complaint that the accused did *steal* certain chattels, but there must be an account of the time, place, manner, and circumstances of the act, that it may be known whether the taking of the property be innocent or felonious. The words "wrongfully, unlawfully, wilfully, and knowingly," do not aid the declaration in this respect.—Gould's Pleadings, ch. 4, § 29. The offence of harboring or concealing must be fraudulent, and be so described. In Dark's case, (2 North Carolina Law Repository, p. 249,) the action was brought for harboring a slave. The defendant showed he detained the slave under claim of title. The court decided that the action could not be sustained. And the declaration, being for a penalty given by a statute, is bad, because it does not show that the action is founded on the statute, or conclude *contra formam statute*.—1 Chitty, p. 358.

It appears, from the questions certified by the court below, that no notice whatever of Andrew's legal servitude, or of his escape, was communicated by the plaintiff, or any person for him, either in writing or verbally, to the defendant, before he committed the acts of harboring or concealing complained of. If the positions which have been taken be sustained, it is plain that this court must inform the court below that the knowledge that Andrew was a slave and a fugitive, however clear and however acquired, is not equivalent to the notice required by the statute, or a substitute for it. The act of 1793 can only be sustained by treating the *notice* prescribed by it as a *claim* of the fugitive by the master. Such claim could only be made by the master directly or indirectly, and its equivalent notice must proceed from him. It must be *proved*. The proof of harborage and concealment was insufficient. The acts of harborage and concealment, as presented by the certified questions of the court below, are, that the defendant received the fugitive in the suburbs of Cincinnati, at 3 o'clock in the morning, from another person, into an open or covered wagon, and conveyed him thence twelve or fourteen miles. Pursuers, with no authority from the master, appeared and arrested the horses. The fugitive leaped from his seat in the wagon, and escaped. The master afterwards approved the attempt at recapture by the pursuers. It is a perversion of language to say, that these facts prove an act of harborage. They might prove the defendant guilty of aiding in the escape of the fugitive, or of obstructing or hindering the claimant in seizing and arresting the fugitive. A harbor is a place of *rest, repose, security, inaction.* The idea of motion, progress, flight, or escape, is absolutely excluded.

The common law, though it abhors slavery, has been made to furnish the forms of remedies for the recapture of fugitives.—Natura Brevuim, pp. 167, 168. An action will lie for *continuing* to employ the servant of another *after notice*.—6 Durnford & East, p. 221. There is no evidence of the act of *harboring*, but what is offered in evidence shows rather the act of *removing* a fugitive. Neither is there any evidence of previous notice and claim. The proof of concealment is likewise defective. Harboring or concealment in the act are convertible terms. The act of concealing must be clearly proved. Concealment implies a place, time, and circumstances of seclusion—a roof, a chamber, a dell, a cave, or some such place of solitude. And yet the court below asks this court to inform it whether the transportation of a person in an open wagon, attended by eight others, on the high-road from Cincinnati to Lebanon, is a concealment or not! Such a carriage, under such circumstances, can afford no harborage, can furnish no *concealment*. Again: there is no proof that Andrew *escaped* from Kentucky into Ohio. He was *found* in Ohio by the defendant. It has been decided that *escape* does not apply to a case where the slave has been carried out of the State by the master, and the slave then delivers himself by flight.—4 Wash., p. 396.

But we contend that the law of 1793 is in conflict with the ordinance of 1787, and is therefore void. Some receive the Constitution as the Gospel of Emancipation, and others as the Covenant of Slavery. Truth is doubtless found in both these opinions. The Constitution, in its general scope and spirit, recognises the absolute natural rights of mankind. On the other hand, it contains provisions, adopted by way of compromise, to fortify slavery. Slavery is the privation of that liberty which is the birthright of all men. It is the result of physical force in rude communities, and never disappears until intellectual and moral agencies are fully developed. Let it go by what name it may, it is always the subjection of the weak to the strong. African slavery is the compensation for the loss of feudal villeinage in West Europe. The emancipation of Europe drew after it the desecration of a new continent. Labor was wanted by the nations of Europe to reclaim the new world from the dominion of nature. Voluntary labor was held on terms too high for contract, and physical force sought and subjugated involuntary labor. Slavery, wherever found, is not a creature of law, but of the subversion of law. It spread rapidly through Virginia at an early period, in the face of the royal charter, which secured to all within the colony the liberties, franchises, and immunities, of British subjects at home.—1 Littell's Laws of Kentucky, p. 11, Slavery, by this charter of James II, in 1609, was thus excluded from the territory of Kentucky; but yet it took root in defiance of law, and flourished until it overshadowed the State. The cause of liberty, however, in the 18th century, borrowed new vigor from the diffusion of Christianity. A movement for the abolition of slavery began in a meeting of Friends in London, in 1727. It expelled the institution from the British dominions one hundred and seven years afterwards! It was fifty-six years before the Parliament of Great Britain would permit a petition to be read for the suppression of the slave trade! The agitation of abolition in England sensibly affected the colonies before the Revolution. The Declaration of American Independence is proof of the high tone of the American mind upon this question; that declaration was prepared by John Adams, a hater of slavery, and Thomas Jefferson, an open abolitionist. But the Articles of Confederation, only two years afterwards, spoke no longer of all men as *free and equal*, but of securing liberty to the *free* inhabitants of the States! Emancipation, however, progressed slowly.

In 1780, Pennsylvania and Massachusetts abolished slavery within their limits. But Virginia had cherished the viper so long in her bosom, that the poison was diffused through her whole frame, and she refused to relinquish slavery. After the Revolution, some five thousand persons had settled on the north bank of the Ohio, in a country over which several States claimed sovereignty. On the 13th of July, 1787, Congress, then representing the States of the Confederation, established an ordinance concerning the country north of the Ohio river. Under that ordinance, the people throughout all generations are secured against any possible intrusion of the principle of physical force in their respective communities. It is the basis of all laws, constitutions, and governments, which have been or shall be erected in that territory. The articles of that ordinance are declared to be articles of *compact* between the original States and the people and States of the new territory, never to be changed but by common consent. They declare universal and absolute liberty of conscience; they secure to every inhabitant of the territory, then and thereafter, forever, the writ of *habeas corpus* and the right of *bail;* they guaranty moral and religious education to youth within the territory; they guaranty to the new States the right of union with the original States, on the sole condition that the forms of government of the new States shall be republican; and they declare, that "there shall be neither slavery nor involuntary servitude within the territory, otherwise than in the punishment of crimes: *Provided, always*, That any person escaping into the territory, from whom labor or service shall be lawfully claimed in any one of the *original* States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her service."—1 Bioren's Laws U. S., p. 60. This ordinance took effect on the 13th of July, 1787, and, if it does not control the Constitution, is an exposition of the temper and sentiment of the American people on slavery.

Kentucky came into the Union on the 1st of June, 1792. The Constitution of the United States bears date in September, 1787, and went into effect 4th March, 1789. Kentucky, having come into the Union after the ordinance of 1787, is bound by its covenants. The Constitution of the United States was adopted after the ordinance of 1787, and, so far as relates to the territory to the north of the Ohio river, is also subject to the same covenants.

The word *original* in the ordinance evidently implies that the right to recapture fugitive slaves should be limited to the thirteen States then in existence; and Kentucky, by coming into the Union afterwards, acquiesced in that agreement. Ohio is the first of the confederated States whose soil has never been pressed by the foot of a slave. She came into the Union in 1802, with a Constitution jealously reciting the ordinance of 1787 respecting slavery, and declaring void all indentures for personal service, where the term of service exceeds one year.

On the 23d of April, 1842, Andrew, a man of thirty years, stood on the soil of Ohio a free man, free as to all the world, except the man who claimed his services in Kentucky. By what law was he pursued, and by force of what law was it wrong to harbor and conceal him from his pursuers? We are told by the law of 1793. But that law is a violation of the ordinance of 1787, so far as Ohio is concerned, if it be construed to extend the right of recapture beyond the *original* thirteen States, to the State of Kentucky. Kentucky was not one of the original States. But it is said the Constitution interposes between the ordinance and admission of Kentucky. True. But the Constitution was framed when there were only thirteen States, and it is to be expounded as to the new States northwest of the Ohio by their fundamental ordinance. The Constitution has never been held to impair that ordinance. But Mr. Justice McLean, in the court below, doubts whether the ordinance of 1787 is yet in force. Surely; it is perpetual. It is a covenant between the actors of the present and generations of the future, for the happiness of all, not to be changed without the consent of all. If that ordinance be not in force, then the States of Illinois, Indiana, Michigan, and Ohio, may establish within their limits slavery. Ohio came into the Union a nation. By the law of nations, no State is bound to recognise slavery in any other State, or to surrender fugitives from labor or service. If a nation assume any such obligation, it does so from comity merely.—16 Peters, p. 611. If the law of 1793 be extended so as to cover the relations between Ohio and Kentucky, it would oblige Ohio to recognise slavery in any *new* State, to the subversion of her own Constitution. That act conflicts with the ordinance of 1787, because it affects to secure the right of recapture to the State of Kentucky, which was not an original State. But Mr. Justice McLean says that the Constitution does not prohibit Congress from extending the power of recapture to *new* States. Is this true? Suppose the Constitution of the United States had declared that slavery should be established within the territory to the northwest of the Ohio, notwithstanding the ordinance of 1787. It will surely not be contended that the State of Ohio, with its present Constitution, could have been *denied* admission into the Union. If, then, the original States could not, without the consent of Ohio, make it a slave State directly and for all purposes, they cannot make it so indirectly and for a single purpose. In cases of doubt, on questions of constitutional law, there is a legal presumption against slavery. We contend, then, that the ordinance of 1787 is in full force, and abolishes slavery for every purpose within the territory northwest of the Ohio river.—3 Story Const., pp. 188, 189; 8 Wheaton, pp. 87, 88; Walker's Miss. Rep., p. 36; Wheeler on Slavery, p. 340; 5 Wheaton, p. 515.

But we hold that the law of 1793 is unconstitutional and void, so far as it affects the questions before this court. It is based upon the second section of the fourth article of the Constitution:

"No person held to service or labor, in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up, on claim of the party to whom such service or labor may be due."

Now, if any State should pass a law or adopt any regulation to discharge persons escaping into its jurisdiction from lawful obligation of labor existing in the State from which they have fled, or to prevent their delivery to their proper claimants, such an offensive act or regulation would be unconstitutional and *ipso facto* void. The words, "shall be delivered up, on claim," &c., are merely words giving precision, force, and effect, to the general inhibition in the other part of the section. Any law or regulation of a State, working the discharge of the fugitive, shall be so absolutely void that the right of recapture shall not be affected by such law or regulation. The whole section can be carried into full effect by judicial action, without any interposition by Congress. No law of Congress could give to the section any greater force or effect. The court before which a claim under this section should be asserted would first try the question, whether the fugitive from labor was held to the claimant in another State by the laws of that State; and, secondly, whether he had escaped from that State into the State where he was found. And the court would have a right to decide upon the validity of the laws of the State by which the fugitive was alleged to be held to labor, as courts now do in cases of conflict of laws, being restricted in this judicial proceeding in two respects—first, not to allow a plea of any law or regulation of the State where the fugitive was found to work his discharge from an obligation created by the laws of the State from which he fled; and, secondly, by being obliged to pronounce judgment that the fugitive shall be delivered up to the party establishing his claim. If any of the courts of the State should disregard the inhibitions of the Constitution under this section, the remedy could be applied by this court. The law of 1793 grew out of a discussion, in the State of Virginia, upon the power of this section of the Constitution to execute itself *proprio vigore*, and doubtless Congress believed the enactment of the law to be indispensable to give effect to it. And it has been sustained by many of the State courts, and, in one case, (16 Peters, p. 611,) by this court. But do these facts preclude the discussion of the point now presented? The principle of *stare decisis* has its lawful bounds, even in courts of common law. It must be abandoned in every case, where it is found, upon full consideration, that the decision is erroneous. The law of 1793 was passed because when the Governor of Pennsylvania, in 1791, demanded from the Governor of Virginia three fugitives from justice, (not from slavery,) the Governor of Virginia answered that he was not authorized to comply with the demand by the mere authority of the Constitution of the United States, without more immediate and direct power. Thus Congress exercised legislative power concerning the recapture of *fugitive slaves* before any case had arisen, in any State, showing that this clause of the Constitution was not effectual without legislation. Occasion was taken of an embarrassment concerning the surrender of fugitives from *justice*, to fortify *slavery*. The plea of analogy was set up between fugitives from justice and fugitives from labor. The clause concerning the extradition of fugitives from justice is direct and affirmative, and the doubt of the Governor of Virginia in relation to it was unreasonable. The clause concerning fugitives from labor, on the contrary, is negative. There is no analogy between the two clauses. The former arises from the comity of nations, and from the necessity of maintaining the cause of justice, order, law, and good government. The latter is an abridgement of State sovereignty. It conflicts with the principles of natural and civil liberty, and must be construed strictly. It expends its whole force in the inhibition prescribed, and relies for its execution upon the judicial authorities of the States and the Union. This argument derives force from the fact, that the power of Congress to enact laws concerning the surrender of fugitives from labor is omitted from the catalogue of legislative powers.

This court, in its opinion upon the case of Prigg *against* the State of Pennsylvania, argues that Congress could exercise the power assumed in the act of 1793, from an analogy to the many cases in which Congress necessarily employs inferential legislative authority to carry into effect constitutional provisions. Now, the very structure of the provision under consideration shows that it was designed merely to limit the legislative power of the States, not to deprive them of all power to legislate concerning fugitives from labor. At a very early period, all the States passed laws regulating proceedings on the claim of fugitives from labor, taking care that no person should, in consequence thereof, be discharged from labor due in another State by the laws thereof. But, after a lapse of fifty years, this court decided that the restriction of State legislative power upon this subject of fugitives from labor was an absolute inhibition of its exercise. The error of that adjudication is apparent, and may be rendered palpable by bringing the Constitution and the adjudication into juxtaposition. Mr. Justice Story assumes (in this case of Prigg *versus* Pennsylvania) that the delivery of the fugitive slave to the claimant is the principal object of the provision, and all else is merely incidental. Now, the contrary to this is true. The restraint upon the courts of justice, in cases and proceedings concerning the claims of fugitives from labor, is the principal object of this provision of the Constitution, and the delivery of the fugitive purely an incident. The clause refers neither to Congress nor to any State Legislature, directs no action by them, nor designates any occasion for their action. It looks to the courts of justice, and brings the subject before them, and them only.

But Mr. Justice Story, in delivering the opinion of this court in the Prigg case, holds that, under the Constitution, the owner of a slave is clothed with authority to seize and capture his slave, in every State in the Union, if he can do it without a breach of the peace or any illegal violence; and that, to this extent, this clause of the Constitution executes itself, and requires no aid from either State or National legislation. Now, if the Constitution, *proprio vigore*, executes itself in cases of claim *without* legal process, surely it can execute itself in cases of claim *by* legal process; for it is the paramount law of the land, is conclusively binding upon all courts, and can execute itself through the courts, without legislation. This being true, it is plain the law of 1793 is void. To escape from this dilemma, it is contended by Mr. Justice Story, in the same opinion just referred to, that Congress has the power to legislate to secure the delivery of the fugitive *by* legal process. "Many cases must arise," says Mr. Story, "in which, if the remedy of the owner were confined to the mere right of seizure and recapture, he would be utterly without any adequate redress. He may not be able to lay hands upon the slave; he may not be able to enforce his rights against persons who either secrete or conceal; he may be restricted, by local legislation, as to the modes of proof, as to his ownership, as to the courts in which he shall sue, and as to the actions which he shall bring; nay, the local legislation may be utterly inadequate to furnish the appropriate redress, by authorizing no process *in rem*, or no specific mode of repossessing the slave," &c.

Now, what right does the Constitution give to any party, as the owner of a slave as property? No such character, no such property, is described or named in the Constitution. Volumes have been written to prove that the Constitution recognises the institution of slavery, because the relations of master and slave existed in this country when the Constitution was made. But the makers of the Constitution, instead of employing the words slaves, slaveholders, masters, goods, chattels, owners, &c., as applicable to slavery, studiously excluded them all. Instead of using any words or terms that would imply an acknowledgment of the law of slavery, they described the subjects of slavery, not as chattels or property of any kind, but as persons who were men; not as persons who were slaves, but as persons held to labor by lawful obligations. The claimants are not described as slaveholders, or owners, or masters, but as persons having a lawful title to the services of those whom they pursued. So that it is plain that the Constitution rejects all recognition of slaves and slavery. And yet this court, in the face of this studious exclusion from the Constitution of all words or terms which could even look to a recognition of slavery, an exclusion which Mr. Madison says was sagaciously, intentionally, and solemnly adopted by the Convention, held, sixty years after the adoption of the Constitution, that the object of this clause was "to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves as property." This court is asked to reconsider this opinion, and disclaim a construction of the Constitution which makes it recognise and sanction slavery, and to restore the Constitution to its simplicity as a compact, that one State shall not discharge, by legislation, persons escaping from another State in which they are held to labor.

But even though the provision concerning the surrender of fugitives from labor be ineffectual, and though Congress have the power to give it effect by legislation, the act of 1793 is void, because it transcends the legislative power of Congress. By reference to the clause of the Constitution, it will be seen that two objects are to be effected—first, to avoid any legislation or regulation by the States going to discharge a fugitive from labor—secondly, to provide for the delivering up of such fugitive, upon claim, to the party to whom his services are due. The act of 1793 implies a confession by Congress, that no legislation to effect the first object was necessary, for it contains none. The act purports to attain the second object by several provisions. Now, if this statute be laid by the side of the constitutional provision, it will be manifest that it goes beyond the power of Congress. First, it authorizes a party to be his own bailiff, and to seize his debtor, by force, in any State, without process, without warrant issued upon probable cause, in violation of the fourth article of the amendments of the Constitution. The Constitution was made by the whole people, as well slaves as freemen. A slave, being a person, is one of that people. He is held to labor by law, as one of the people; and however he may be denied any participation in the Government to which he is subjected, or in the contract of labor, still he is a member of the aggregate corporation for which the Constitution was made. The slave has some legal rights, in his lowest estate. He may not be slain, may not be assailed without cause; and, though deprived of remedy himself, society claims and enforces it for him. The fourth article extends the rights which it guaranties to the people, and a slave is one of the people. "The right of the people to be secure, &c., against unreasonable searches and seizures, shall not be violated," &c. Secondly, the law of 1793 invades the rights of personal liberty secured by the fifth article of the amendments to the Constitution. By that article, no person can be deprived of life, liberty, or property, without due process of law. Thirdly, it invades the 7th article of the amendments. The right of recapture has been declared by this court to be a common law right. It is therefore a right to be tried by court proceeding, &c.; and yet the law of 1793 denies to the person arrested the trial by jury! In the fourth place, the act of 1793 is unconstitutional and void, because it directs that a judgment of disfranchisement and perpetual labor may be rendered against him, in his absence under duress by the plaintiff, upon *ex parte* evidence, and denies him the privilege of bail. And this is in palpable violation of the eighth article of the amendments. In the fifth place, the fourth section of the act is unconstitutional, because it subjects the party harboring or concealing a fugitive from labor to punishment, while the constitutional provision does not inhibit a citizen from yielding hospitality and entertainment. All these violations of what are called the New York amendments furnish evidence that stronger guaranties of personal rights will be necessary, if the decision here be against the defendant. Finally, this act is unconstitutional, because, by implication, it recognises slavery as a lawful institution. All slavery is an open violation of the personal rights guarantied by the Constitution. Though Congress may have no power to disturb slavery existing in any State, it has no power to extend it to States where it is not, or to compel such States to recognise it as lawful. Every day and every hour remind us that we are a free people; that the Constitution is a legacy of liberty, and that by that charter all men are declared to be free and equal. Slavery has no place in that charter.

It is not expected that principles which seem to the defendant so just, so truthful, will gain immediate establishment in this tribunal, against the force of precedents and names; but it is hoped that past adjudications, which make the Constitution recognise, sanction, and guaranty slavery, may be reconsidered. This court is appealed to, to restore to the Constitution its simplicity, its harmony with the Declaration of Independence, its studied denial of a right of property in man. We supplicate that slavery, with its odious form and features, and its terrible pretensions for the present and for the future, may not again receive in this court the sanction and countenance denied to it by the Convention more than half a century ago. Let the spirit which governed that Convention only find a resting place here, and the time is not far distant when throughout this vast empire no court of justice will be required to enforce involuntary obligations of labor, and uphold the indefensible law of physical force.

FREE PRODUCE STORE, Wholesale and Retail, *northwest corner of Fifth and Cherry streets, Philadelphia*, (late Joel Fisher's.) The subscriber, having procured a new stock of Dry Goods and Groceries, in addition to that purchased of Joel Fisher, all of which may be relied on as the product of *Free Labor*, now offers them for sale at the above place. He respectfully invites the patronage of those who give a preference to such goods, and of his friends and the public generally. Being the wholesale and retail agent of the Free Produce Association of Friends, and the retail agent of the American Free Produce Association, for the sale of the cotton goods manufactured by those associations, he will be prepared to furnish a greater variety of Dry Goods than has heretofore been offered at this establishment.
March 4.—1m GEORGE W. TAYLOR.

BIRNEY & BROTHER, *Wholesale and Retail Druggists, and Dealers in Paints, Oils, Varnishes, and Dye Stuffs*, corner of Lower Market and Sycamore streets, Cincinnati, O.
The above articles are of the best quality, and may be had at reasonable rates. Physicians and country merchants are invited to call and examine for themselves. Cash paid for Ginseng, Beeswax, Flaxseed, &c. D. BIRNEY.
Jan. 7. D. B. BIRNEY.

PLUMBE NATIONAL DAGUERREAN GALLERY AND PHOTOGRAPHERS' FURNISHING DEPOTS; awarded the gold and silver medals, four first premiums, and two highest honors, at the National, the Massachusetts, the New York, and Pennsylvania Exhibitions, respectively, for the most splendid colored Daguerreotypes and best apparatus ever exhibited.
Portraits taken in exquisite style, without regard to weather. Instructions given in the art.
A large assortment of apparatus and stock always on hand, at the lowest cash prices.
New York, 251 Broadway; Philadelphia, 136 Chesnut street; Boston, 75 Court and 58 Hanover streets; Baltimore, 205 Baltimore street; Washington, Pennsylvania avenue; Petersburg, Virginia, Mechanics' Hall; Cincinnati, Fourth and Walnut, and 176 Main street; Saratoga Springs, Broadway; Paris, 127 Vieille Rue du Temple; Liverpool, 32 Church street. Jan. 7.

TOOTH ACHE CURED IN ONE MINUTE, BY THE USE OF THE CLOVE ANODYNE.—This is an excellent article, and will cure the most violent tooth ache or pain in the gums in one minute. The Clove Anodyne is not unpleasant to the taste or injurious to the teeth, and will permanently cure any tooth to which it may be applied.
The following testimony, from one of our most distinguished practical Dentists, will be considered sufficient evidence of its merits:
NEW YORK, *December* 19, 1844.
Messrs. A. B. Sands & Co.:
GENTLEMEN: In the course of my practice I have extensively used, with much success, your Clove Anodyne, for the relief of the tooth ache; and, as I constantly recommend it to my patients, I deem it just to impart my satisfaction to you.
I am yours, very respectfully,
M. LEVETT, Dentist,
260 Broadway, corner of Warren street.
☞ Prepared and sold, wholesale and retail, by Henry Johnson, Druggist and Chemist, successor to A. B. Sands & Co., 273 Broadway, corner of Chambers street.
G. F. THOMAS & CO.,
147 Main street, between Third and Fourth streets,
Jan. 7. Agents for Cincinnati.

C. FOSTER & CO.—*To Printers throughout the United States:* CHARLES FOSTER, late Foreman of the Cincinnati Type Foundry, and the inventor and builder of the press called *Foster's Power Press*, now used by the Cincinnati Atlas, the Enquirer, Kendall & Barnard; also, the Frankfort Commonwealth, the Indiana State Journal, Cutler & Chamberlin, formerly State printers, Indiana, &c.; also, the press lately used to print Cassius M. Clay's paper, Lexington, Kentucky—would inform printers in the Western States and elsewhere, that, after an experience of fourteen years, he has, in connection with *Bevan, Scott, & Co.*, in the city of Cincinnati, established the manufactory of Power Presses, (being the only one west of the mountains,) Hand Presses, the Washington, Smith, and Franklin Presses, of all sizes; also, Chases, Composing Sticks, Brass Rule, Type Cases, Galleys, Card, Job, and Embossing Presses, Printers' and Bookbinders' Materials of all kinds. We will also furnish Printers' Ink, Cuts, Rules, fancy Job Type; also, Types for Newspapers, Book and Job Types, from William Hagar's Type Foundry, New York; and also Western Type, manufactured in Cincinnati.
All orders directed to Foster & Co., corner of Seventh and Smith streets, or to Shepard & Co., No. 11 Columbia street, east of Main, Cincinnati, Ohio, will receive prompt attention.
C. FOSTER & CO.
P. S. The subscribers will also furnish Castings, Steam Engines, Mill Works, Horse Powers, Threshing Machines, Screws for Hay, Lard, Tobacco, &c.; also, Straub's Patent Portable Corn and Flouring Mills, Corn Crushers and Shellers, Clark's Patent Smut Machine, with any other Machinery, built to order, on reasonable terms. Jan. 7.

CIRCULAR.—*Dr. S. Fahnestock's Vermifuge—the original and genuine article.*—For the satisfaction of my customers, and all persons interested in the sale and use of my Vermifuge, as well as in justice to myself, I feel it my duty to acquaint the public with the facts that have given name and celebrity to the justly esteemed medicine known for many years past as Fahnestock's Vermifuge.
About the year 1828 or 1829 I first came in possession of the recipe for the manufacture of this invaluable medicine. Not having then the means or prospect of promulgating it beyond the sphere of my professional duties, I, at the solicitation of a friend, consented to have the secret transmitted to a near relative, B. A. Fahnestock, Druggist, of Pittsburg. This gentleman, availing himself of the important secret, and the means of using it to his own advantage, has since that period made a monopoly of the business of manufacturing and selling what he calls B. A. Fahnestock's Vermifuge. Latterly, circumstances have induced me to commence the business myself, with a confidence based on the use of my Vermifuge, in daily practice, for upwards of fourteen years, as well as improvements in the article resulting from long experience, together with special care and personal attention to the manufacture of the medicine, which latter item I consider of the first importance to its general efficacy. The success attending my Vermifuge, after a year's trial, has fully justified my confidence in its superior quality.
I should not have considered the above statement necessary, had it not been for the recent appearance of an invidious Circular, over the signature of B. A. Fahnestock, in which, together with various insidious epithets bestowed on my personal character, and that of W. F. Moeller, my worthy partner in business, my Vermifuge is denounced as a worthless preparation. This is his own sole *ipse dixit*, in contradiction to the attestations of numerous physicians and chemists, who are competent judges of the article, and the experience of those who have used it. Therefore, regarding the disparaging statements of B. A. Fahnestock, the *onus probandi* rests with himself, and it will require an unexplored art to him to acquit himself of it. S. FAHNESTOCK.
With reference to my reputation, the following certificates will amply suffice:
State of Ohio, Montgomery County, ss:
I, William M. Smith, deputy clerk of the court of common pleas in and for said county, do hereby certify, that I am well acquainted with Dr. Samuel Fahnestock, formerly of Pennsylvania, now of Dayton, Ohio; and I hereby certify that his standing as a physician is good, and, as a citizen, his reputation is beyond reproach; and that full faith and credit should be given to any statement of his. Witness my hand, and the seal of the said county, this 3d of November, A. D. 1846.
[L. S.] WILLIAM M. SMITH,
Deputy Clerk of Common Pleas.
State of Ohio, Montgomery County, City of Dayton, ss:
I cheerfully concur in the above statement, made by the clerk as above set forth, as witness my hand and official seal of said city, this 14th day of November, 1846.
[L. S.] WILLIAM J. McKINNEY, Mayor.
The following gentlemen have certified to the correctness of the above statements:
V. Winters, Cashier Dayton Bank; P. Odlin, Esq.; John Howard, Esq.; Hon. Robert C. Schenck; G. Aughinbaugh; Major H. Gebhart; F. Gebhart, merchant; J. A. Walters, M. D.; John Rench, commission merchant; J. A. Aughinbaugh. Jan. 21.

CANCERS CURED.—*Roots Extracted without the Knife.* R. S. NEWTON, M. D., performs all operations upon Cancers, Schirrus Breasts, Indurated Tumors, Scrofula, or Ulcers, with his new discovered Remedy, which has proved to be one of the greatest discoveries of the age, and has proved itself to possess medical properties unequalled by any medicine now used or ever known by the medical profession. His method of treatment is new, safe, and peculiar, and has given him a reputation for radically curing the above diseases not equalled by any other regularly educated physician living, without the knife, as can be seen by references.
In all cases, the patient must visit me in Cincinnati, Ohio, and be under my immediate care. All communications must be addressed to Cincinnati, post paid.
CERTIFICATE.
We would just say to the afflicted, that we have been the subjects of Cancer, and pronounced incurable by some of the most eminent physicians and professors of the day, and have been radically cured by Dr. N.'s new remedies within the last five years.
NANCY GREEN, New Lisbon, O.
E. F. HARMON, Kanawha, Va.
HANNAH HEPHNER, New Lisbon, O.
JOHN LANSLEY, McConnellsville, O.
JOHN N. KERR, Gallipolis, O.
MARY STEEL, Harrisonburg, Va.
Some hundred names could be given, if called for, of those who have been cured within a few years.
REFERENCES.
Darius Davenport and Rev. W. P. Strickland, Cincinnati; W. H. Brisbane, M. D., Philadelphia, Penn.; J. W. McGuire, Jackson, Missouri; Rev. E. M. Boring, Athens, Ohio; Hon. S. F. Vinton, Gallipolis, Ohio.
Office on Sixth street, between Main and Walnut streets, Cincinnati, Ohio. Jan. 28.—6m

IMPROVED LARD OIL.—Improved No. 1 Lard Oil, warranted to burn equal to sperm. It being manufactured without acids, and the gum extracted, lamps are neither crusted nor machinery corroded in using it. It has been well tested on the Ohio, the Lakes, and some of the Atlantic cities. Orders received from all parts of the United States and the British Provinces, and executed in any quantity, in strong barrels and half barrels. For sale by
THOMAS EMERY, Lard Oil Manufacturer,
Jan. 7. No. 33 Water street, Cincinnati, Ohio.

MELLEN & HOPKINS have constantly for sale, at their Warehouse, corner of Union and Ann streets, Boston, a very extensive assortment of Furniture. Jan. 7.

INSENSIBLE PERSPIRATION.—Insensible perspiration is the great evacuation for the impurities of the body. It will be noticed that a thick cloudy mist issues from all points of the surface of the body, which indicates that this perspiration flows uninterruptedly when we are in health, but ceases when we are sick. Life cannot be sustained without it. It is thrown off from the blood and other juices of the body, and disposes by this means of nearly all the impurities within us. The language of Scripture is, "In the *blood* is the life." If it ever becomes impure, it may be traced directly to the stoppage of the *insensible perspiration*. Thus we see, all that is necessary, when the blood is stagnant or infected, is to open the pores, and it relieves itself from all impurities instantly. Its own heat and vitality are sufficient without one particle of medicine, except to open the pores upon the surface. Thus we see the folly of taking so many internal remedies. All practitioners, however, direct their efforts to restore the insensible perspiration. The Thompsonian, for instance, *steams*, the Hydropathist shrouds us in wet blankets, the Homœpathist deals out infinitessimals, the Allopathist bleeds and doses us with mercury, and the blustering Quack gorges us with pills, pills, pills.
To give some idea of the amount of the insensible perspiration, we will state that the learned Dr. Lewenhock ascertained that five-eighths of all we receive into the stomach passed off by this means. In other words, if we eat and drink eight pounds per day, we evacuate five pounds of it by the insensible perspiration. This is none other than the used-up particles of the blood and other juices, giving place to the new and fresh ones. To check this, therefore, is to retain in the system five-eighths of all the virulent matter that nature demands should leave the body. By a sudden transition from heat to cold, the pores are stopped, the perspiration ceases, and disease begins at once to develop itself. Hence a stoppage of this flow of the juices originates so many complaints. It is stopping the pores that overwhelms mankind with coughs, colds, and consumption. Nine-tenths of the world die from diseases induced by a stoppage of the insensible perspiration. Let me ask, now, every candid mind, what course seems the most reasonable to pursue, to unstop the pores after they are closed? Would you give physic to *unstop* the pores? Or would you apply something that would do this upon the surface, where the clogging actually is? And yet I know of no physician who makes any external application to effect it. Under these circumstances, I present to physicians, and to all others, McAlister's ALL-HEALING OINTMENT, or the WORLD'S SALVE. It has power to restore perspiration on the feet, on the head, around old sores, upon the chest—in short, upon any part of the body, whether diseased slightly or severely. It has power to cause all external sores, scrofulous humors, skin diseases, and poisonous wounds, to discharge their putrid matter, and then heals them. It is a remedy that sweeps off the whole catalogue of cutaneous disorders, and restores the entire cuticle to its healthy functions. It is a remedy that forbids the necessity of so many and deleterious drugs taken into the stomach. It is a remedy that neither sickens, gives inconvenience, nor is dangerous to the intestines. It preserves and defends the surface from all derangement of its functions. The surface is the outlet of five-eighths of the bile and used-up matter within. It is pierced with millions of openings, to relieve the intestines. Stop up these pores, and death knocks at your door. It is rightly termed all-healing; for there is scarcely a disease, external or internal, that it will not benefit. I have used it for the last fourteen years for all diseases of the chest, consumption, liver, involving the utmost danger and responsibility; and I declare, before Heaven and man, that not in one single case has it failed to benefit, when the patient was within the reach of mortal means. I have had physicians learned in the profession, I have had ministers of the gospel, judges on the bench, aldermen and lawyers, gentlemen of the highest erudition, and *multitudes of the poor*, use it in every variety of way; and there has been but one voice, one united universal voice, saying, "McAlister, your ointment is *good*."
Consumption.—It can hardly be credited that a salve can have any effect upon the lungs, seated as they are within the system. But if placed upon the chest, it penetrates directly to the lungs, separates the poisonous particles that are consuming them, and expels them from the system. I need not say that it is curing persons of consumption continually, although we are told it is foolishness. I care not what is said, so long as I can cure several thousand persons yearly.
Headache.—The salve has cured persons of the headache of twelve years' standing, and who had it regularly every week, so that vomiting often took place. Deafness and earache are helped with like success.
Cold Feet.—Consumption, liver complaint, pains in the chest or side, falling off of the hair, one or the other, always accompanies cold feet. It is a sure sign of disease in the system to have cold feet. The salve will cure every case.
In *scrofula, erysipelas, salt rheum, liver complaint, sore eyes, quinsy, sore throat, bronchitis, broken or sore breast, piles*, all *chest diseases*, such as *asthma, oppression, pains;* also, *sore lips, chapped hands, tumors, cutaneous eruptions, nervous diseases*, and of the *spine*, there is probably no medicine now known so good; and as for *burns*, it has not its equal in the world.
Pimples on the Face, Masculine Skin, Gross Surface.—Its first action is to expel all humor. It will not cease drawing till the face is free from any matter that may be lodged under the skin, and frequently breaking out to the surface. It then heals. When there is nothing but grossness, or dull repulsive surface, it begins to soften and soften, until the skin becomes as smooth and delicate as a child's.
Worms.—If parents knew how fatal most medicines were to children, taken inwardly, they would be slow to resort to them, especially "mercurial lozenges," called "medicated lozenges," vermifuges, pills, &c. The truth is, no one can tell, invariably, when worms are present. Now, let me say to parents, that this salve will always tell if a child has worms. It will drive every vestige of them away. There is probably no medicine on the face of the earth at once so sure and so safe in the expulsion of worms.
Toilet.—Although I have said little about it as a hair restorative, yet I will stake it against the world. They may bring their oils, far and near, and mine will restore the hair two cases to their one.
Old Sores.—That some sores are an outlet to the impurities of the system, is because they cannot pass off through the natural channels of the insensible perspiration. If such sores are healed up, the impurities must have some other outlet, or it will endanger life. This salve will always provide for such emergencies.
Rheumatism.—It removes almost immediately the inflammation and swelling, when the pain of course ceases. In all cases of fever, the difficulty lies in the pores being locked up, so that the heat and perspiration cannot pass off. If the least moisture can be started, the crisis has passed, and the danger is over. The all-healing ointment will, in all cases of fevers, almost instantly unlock the skin, and bring forth the perspiration.
Scald Head.—We have cured cases that actually defied every thing known, as well as the ability of fifteen or twenty doctors. One man told us he had spent five hundred dollars on his children without any benefit, when a few boxes of the ointment cured them.
Corns.—Occasional use of the ointment will always keep corns from growing; people need never be troubled with them if they will use it.
As a Family Medicine, no man can measure its value. So long as the stars roll along over the heavens, so long as man treads the earth subject to all infirmities of the flesh, so long as disease and sickness is known, just so long will this good ointment be used and esteemed. When man ceases from off the earth, then the demand will cease, and not till then.
JAMES McALISTER & CO.,
Sole Proprietors of the above Medicine.
☞ Price 25 cents and 50 cents.
As the All-healing Ointment has been greatly counterfeited, we have given this caution to the public, that "no ointment will be genuine unless the names of *James McAlister*, or *James McAlister & Co.*, are WRITTEN with a PEN upon EVERY label." Now, we hereby offer a reward of five hundred dollars, to be paid on conviction, in any of the constituted courts of the United States, of any individual counterfeiting our name and ointment.
☞ To be had of ELY & CAMPBELL, Lower Market, between Main and Sycamore streets; also, of G. F. THOMAS, Main street, between Third and Fourth, Cincinnati. Jan. 7.

☞ Will the papers friendly to freedom please give the following advertisement an insertion, and oblige
BELA MARSH.
UNCONSTITUTIONALITY OF SLAVERY, *by Lysander Spooner;* published by BELA MARSH, and for sale at 25 Cornhill, Boston, and at the ANTI-SLAVERY DEPOSITORY, No. 5 Spruce street, New York. Price 25 cents. Postage on the book for any distance is but 6 cents. A person remitting $1, post paid, can have four copies sent by mail. A liberal discount will be made to booksellers and agents who buy to sell again.
☞ Will the publishers of Anti-Slavery papers please to keep a supply on hand for sale?
RECOMMENDATIONS.
Mr. Garrison, disagreeing to its conclusions on the ground that the words of the Constitution do not fully express the intentions of its authors, yet says: "His logic may be faultless, as a merely logical effort. We admit Mr. Spooner's reasoning to be ingenious—perhaps, as an effort of logic, unanswerable. It impresses us as the production of a mind equally honest and acute. Its ability, and the importance of the subject on which it treats, will doubtless secure for it a wide circulation and a careful perusal."
Mr. Joshua Leavitt says: "It is unanswerable. There will never be an honest attempt to answer it. Neither priest nor politician, lawyer nor judge, will ever dare undertake to sunder that iron-linked chain of argument which runs straight through the book, from beginning to end."
Mr. Gerrit Smith, in a letter to the Liberty Press, (Utica,) says: "It is admirable. I warmly commend it to you and your readers. High as were my opinions of his ability, they are higher now that I have read his argument in favor of his position that there is no legal or constitutional slavery in this nation."
Mr. N. P. Rogers, agreeing with some of its positions, and disagreeing with others, says: "It is a splendid essay. If the talent laid out in it were laid out at the bar, it would make the author distinguished and rich. This essay should give the author a name at the Boston bar. It will at the bar of posterity."
Samuel E. Sewall, Esq., says: "It merits general attention, not merely from the importance of the subject, but from the masterly manner in which it is handled. It every where overflows with thought. We regard it as a grand arsenal of legal weapons, to be used in the great contest between Liberty and Slavery. I hope it will receive the widest circulation."
J. Fulton, jun., (Penn.,) says: "Now that I have read it, I feel bound to say that it is the most clear and luminous production that I have ever read on the subject. It begins without a line of preface, and ends without a word of apology. It is a solid mass of the most brilliant argument, unbroken, as it seems to me, by a single flaw, and treads down as dust every thing which has preceded it on that subject. Let every friend of the slave read the work without delay. I believe it is destined to give a new phase to our struggle."
Richard Hildreth, Esq., says: "No one can deny to the present work the merit of great ability and great learning. If any one wishes to see this argument handled in a masterly manner, with great clearness and plainness, and an array of constitutional learning, which, in the hands of most lawyers, would have expanded into at least three royal octavos, we commend them to Mr. Spooner's modest pamphlet of one hundred and fifty-six pages."
Elihu Burritt says: "It evinces a depth of legal erudition which would do honor to the first jurist of the age."
The True American (Cortland county, New York) says: "It is an imperishable and triumphant work—a law argument that would add to the fame of the most famed jurist, living or dead."
The Bangor Gazette says: "It is indeed a masterly argument. No one, unprejudiced, who has supposed that that instrument (the Constitution) contained guarantees of slavery, or who has had doubts upon the point, can rise from the perusal without feeling relieved from the supposition that our great national charter is one of slavery, and not of freedom. And no lawyer can read it without admiring, besides its other great excellences, the clearness of its style and its logical precision."
The Hampshire Herald (Northampton) says: "It is worthy of the most gifted intellect in the country."
The Worcester County Gazette says: "Mr. Spooner, we think, has clearly shown that it (slavery) has no constitutional foundation."
The Liberty Press (Utica) says: "The author labors to show, and does show, that slavery in this country is unconstitutional, and unsustained by law, either State or Federal."
The Granite Freeman says: "We wish every voter in the Union could have the opportunity of reading this magnificent argument. We should hear no more, after that, of the 'compromises of the Constitution,' as an argument to close the lips and palsy the hands of those who abhor slavery, and labor for its removal."
The Charter Oak says: "Of its rare merit as a controversial argument it is superfluous to speak. It may, in fact, be regarded as unanswerable; and we are persuaded that its general circulation would give a new aspect to the anti-slavery cause, by exploding the popular but mistaken notion that slavery is somehow entrenched behind the Constitution."
The Albany Patriot says: "This effort of Mr. Spooner is a remarkable one in many respects. It is unrivalled in the simplicity, clearness, and force of style with which it is executed. The argument is original, steel-ribbed, and triumphant. It bears down all opposition. Pettifogging, black-letter dullness and pedantry, special pleading and demagogism, all retire before it. If every lawyer in the country could have it put into his hands, and be induced to study it as he does his brief, it would alone overthrow slavery. There is moral firmness enough in it for that purpose."
The Chronotype calls it "one of the most magnificent constitutional arguments ever produced in any country. It needs such a work as Mr. Spooner's on constitutional law to make the Constitution of the least value to us as a shield of rights."
The Liberty Gazette (Burlington, Vermont) says: "This work cannot be too highly praised or too extensively circulated. Its reasoning is conclusive; and no one can read it without being convinced that the Constitution, instead of being the friend and protector of slavery, is a purely anti-slavery document."
The Indiana Freeman says: "Every Abolitionist should have this admirable work, and keep it in constant circulation among his neighbors."
The Worcester Ægis says: "This work is one of the ablest, perhaps *the* ablest review of all the arguments *pro* and *con*, upon the subject of slavery, that has yet emanated from the American press. No one who feels the least interest whatever in this great question should fail to possess himself of a copy."